



Parliamentary Service Commissioner

Parliamentary Service Commissioner Report 2023–24

Incorporating the Parliamentary Service Merit Protection Commissioner Report
2023–24



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The Hon Milton Dick MP
Speaker of the House of Representatives
PO Box 6002
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 Mister Speaker and President

Parliamentary Service Commissioner Report 2023–24

In accordance with Section 42(1) of the *Parliamentary Service Act 1999*, I present to you the Parliamentary Service Commissioner Report 2023–24.

Yours sincerely

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

Dr Gordon de Brouwer PSM

Australian Public Service Commissioner

14 November 2025

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 1 October 2023, the Parliamentary Workplace Support Service moved from being a function of the Parliamentary Service Commissioner and was established as an independent statutory agency established through the *Parliamentary Workplace Support Service Act 2023*. More information about the Parliamentary Workplace Support Service can be found in its annual report.

Gordon de Brouwer

Dr Gordon de Brouwer

Parliamentary Service Commissioner

15 November 2025

Introduction

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

As of 30 June 2024, the Presiding Officers of the Parliament were the Speaker of the House of Representatives, the Hon Milton Dick MP, and the President of the Senate, Senator the Hon Sue Lines.

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 House of Representatives and the Department of the Senate 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

On 11 May 2023, Dr Gordon de Brouwer was appointed as Parliamentary Service Commissioner and holds this position concurrently with the office of Australian Public Service Commissioner.

Between November 2022 and 30 September 2024, Mr Mark Davidson and Ms Kirsteen Banwell (in a shared arrangement) held the office of Acting Parliamentary Service Merit Protection Commissioner concurrently with the office of Acting Australian Public Service Merit Protection Commissioner.

On 30 September 2024, Ms Jamie Lowe was appointed as Parliamentary Service Merit Protection Commissioner concurrently with the office of Australian Public Service Merit Protection Commissioner.

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

Administration of the Parliamentary Service Commissioner's role

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.

Departmental roles and responsibilities

Four parliamentary departments are established under the Act.

Department of the House of Representatives

The Department of the House of Representatives provides services to support the efficient conduct of the House of Representatives, its committees and certain joint committees and a range of services and facilities for Members in Parliament House.

At the end of the 2023–24 reporting period, the Secretary of the Department of the House of Representatives is Ms Claessa Surtees, Clerk of the House of Representatives.

Department of the Senate

The Department of the Senate provides the Senate, its committees, the President of the Senate and Senators with a broad range of advisory and support services related to the exercise of the legislative power of the Commonwealth.

At the end of the 2023–24 reporting period, the Secretary of the Department of the Senate is Mr Richard Pye, Clerk of the Senate.

Parliamentary Budget Office

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.

At the end of the 2023–24 reporting period, the Parliamentary Budget Officer and the Secretary of the Parliamentary Budget Office was Dr Stein Helgeby.

Department of Parliamentary Services

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.

At the end of the 2023–24 reporting period, the Secretary of the Department of Parliamentary Services was Mr Rob Stefanic. The Parliamentary Librarian is Mr Steven Fox.

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 House of Representatives and Clerk of the Senate are appointed by the Speaker and President 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 Parliamentary Service Commissioner.
- The Parliamentary Budget Officer is appointed by the Presiding Officers after obtaining the approval of the Joint Committee of Public Accounts and Audit.

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 Australian Public Service Commissioner's annual meeting with parliamentary department heads was held on 1 November 2023. 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 Parliamentary Service Commissioner are employees of the Australian Public Service Commission and are employed under the *Public Service Act 1999*. They are accountable to the Australian Public Service Commissioner.

The Australian Public Service Commission provides all corporate support and services to the Parliamentary Service Commissioner. There was no specific appropriation for the Parliamentary Service Commissioner in 2023–24.

Any costs for the Parliamentary Service Commissioner are included within the overall financial results of the Australian Public Service Commission.

Parliamentary Service Merit Protection Commissioner Report 2023–24





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 2024, 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.

Yours sincerely

A handwritten signature in blue ink that reads 'J Lowe'.

Jamie Lowe

Parliamentary Service Merit Protection Commissioner

26 June 2025

Parliamentary Service Merit Protection Commissioner's foreword

I commenced in the role of the Parliamentary Service Merit Protection Commissioner (PSMPC) on 30 September 2024 and have found the previous annual reports to be a useful introduction to this unique and important – but underutilised – area of my jurisdiction.

The Merit Protection Commissioner is the Commonwealth 'workplace umpire' for the Australian Public Service and the Parliamentary Service. Our purpose is to review employment-related decisions to make sure they are correct and fair. We do this by adjudicating disagreements about workplace decisions and findings that an employee's conduct amounted to a breach of the Code of Conduct and any subsequent sanction decision.



Parliamentary Service Merit Protection Commissioner Jamie Lowe

In 2023-24, we did not receive any applications for review of a workplace or promotion decision from Parliamentary Service employees. We did not receive any calls or emails seeking information about the review scheme, or advice on whether a decision was eligible for review. This is not unusual. Table 1 shows we have received 3 applications from Parliamentary Service employees over the last 5 years.

Given the nature and type of decisions that the PSMPC can review, I am interested in the reasons for this. It may be that Parliamentary Service employees are satisfied with both the process and the outcomes of workplace decisions relating to them and do not require independent review of those decisions. Alternatively, it could indicate that Parliamentary Service employees are not aware of their entitlements or feel they will not be supported to seek a review.

With this in mind, a priority for my Office will be to produce and promote educational materials and to engage with the Parliamentary Service departments to assist them to build a robust and effective system of review. I very much look forward to continuing to work with the representatives of each department to build knowledge of review rights among Parliamentary Service employees

I now present the Parliamentary Service Merit Protection Commissioner's Annual Report for 2023–24.

A handwritten signature in blue ink that reads "J Lowe".

Jamie Lowe

Parliamentary Service Merit Protection Commissioner

About us

The Parliamentary Service Merit Protection Commissioner (PSMPC) is an independent statutory office holder established under Part 6 the *Parliamentary Service Act 1999* to perform duties and functions for the Parliamentary Service. The function mirrors the work of the Australian Public Service Merit Protection Commissioner under the *Public Service Act 1999*.

PSMPC staff are employees of the Australian Public Service Commission (APSC). Under Section 49(2) of the *Public Service Act 1999*, the staff necessary to assist the PSMPC 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 PSMPC.

Our role

The Office of the Parliamentary Service Merit Protection Commissioner is to be the Commonwealth 'workplace umpire'. It is an independent review body comprising a commissioner supported by a team of experienced and highly knowledgeable public servants with diverse experience.

Our role is to review workplace decisions to make sure they are correct and fair. We do this by adjudicating disagreements about workplace decisions, inquiring into alleged misconduct in the workplace, reviewing agency decisions to ensure agencies have followed the appropriate processes and directions, and ensuring recruitment and promotion decisions are based on merit.

Our legislation and statutory functions

The statutory functions of the PSMPC are set out under the *Parliamentary Service Act 1999* and Parliamentary Service Determination 2013. The specific statutory authority for each function is set out in Appendix A. 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 scheme is currently divided into two streams of work – reviews of code of conduct and other workplace decisions, and review of promotion decisions.

Code of Conduct decisions and other workplace decisions

We can review how a department handled a complaint about bullying or harassment, a decision relating to a performance review outcome or rejection of an application for leave. We can review decisions that an employee has breached the Code of Conduct and any related sanction decisions.

We conduct merit reviews, in accordance with the principles of administrative law. We examine whether the original decision maker complied with the law, case law, industrial instruments, policy and procedure.

Our role is to 'stand in the shoes' of the original decision maker and take a fresh look at the relevant facts, law and policy the agencies relied on to reach the decision. We must have regard to the individual circumstances of each matter. Where necessary, we can ask the agency or the employee for additional information to assist with the review.

The eligibility criteria to apply for a review depends on the type of decision and the individual circumstances of the applicant and how the decision was made.

Promotion decisions

This part of the scheme gives ongoing Parliamentary Service employees an entitlement to seek a review of certain promotion decisions. The review is conducted by a Promotion Review Committee established by the PCMPC. A Committee can decide to overturn the promotion decision in the circumstance where the Committee considers another applicant has demonstrated more merit for the role.

Complaints about final entitlements

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 PSMPC can investigate these complaints if they cannot be otherwise resolved.

Inquiries

The PSMPC 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

We 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. The key services are:

Recruitment services

We can provide specialised recruitment services to public sector agencies and departments. Our 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.

Independent Selection Advisory Committee (ISAC)

On request, we can provide departments with an ISAC, which is where we conduct an entire recruitment and selection process on their behalf. ISACs 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.

Workplace investigations and merits reviews of workplace decisions

On request, the PSMPC can conduct merits review of a workplace decision and, in certain circumstances, investigate alleged misconduct for non-APS agencies, non-APS Commonwealth entities, and state and territory agencies and departments.

Performance

Year-end totals

In 2023–24 the PSMPC did not receive any applications for review of a workplace decision or a promotion decision.

The table below shows the number of applications for review of a workplace decision and promotion decisions received from Parliamentary Service employees over a five-year period.

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

Applications received	2019–20	2020–21	2021–22	2022–23	2023–24
Review of an action /decision	1	1	0	1	0
Review of a promotion decision	0	0	0	0	0
Total	1	1	0	1	0

The performance and activities of the MPC as it relates to the APS can be located on the website at www.mpc.gov.au and our 2023-24 annual report.

Governance

Accountability

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

During 2023–24, the PSMPC had managerial responsibility for the work of the Australian Public Service Commission employees made available to assist the PSMPC in exercising its functions.

Improving the way the PSMPC works

The PSMPC will continue to evaluate its service delivery and foster a culture of continuous improvement through:

- continuing to receive and use feedback about PSMPC/MPC reviews of workplace decisions from applicants and agencies to inform its work and continuously improve
- improving feedback surveys of applicants and agencies to understand their experience and views of the promotion review process and system
- ongoing review of our website, taking into account user experience and feedback and relevant data analytics in identifying improvements
- lobbying for a fit-for-purpose case management system.

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

Function	Statutory authority
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) 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 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) Parliamentary Service Determination Part 9 Division 1 clauses 71, 72, 73 and 76 Division 2 clauses 77 to 93
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

