



Parliamentary Service Amendment Determination 2013 (No. 1)

We, Senator the Hon John Hogg, President of the Senate, and the Hon Bronwyn Bishop MP, Speaker of the House of Representatives, make the following determination under the *Parliamentary Service Act 1999*.

Dated 4 December 2013

Senator the Hon John Hogg
President of the Senate

The Hon Bronwyn Bishop MP
Speaker of the House of Representatives

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1 Name of determination

This determination is the *Parliamentary Service Amendment Determination 2013 (No. 1)*.

2 Commencement

This determination commences on the day after it is registered.

3 Authority

This determination is made under the *Parliamentary Service Act 1999*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Parliamentary Service Determination 2013

1 Clause 18 (note)

Repeal the note, substitute:

Note: See sections 26 and 26A of the Act for the engagement of an ongoing APS employee as an ongoing or non-ongoing Parliamentary Service employee.

2 Clause 32 (note)

Repeal the note, substitute:

Note: See sections 26 and 26A of the Act for the engagement of an ongoing APS employee as an ongoing or non-ongoing Parliamentary Service employee.

3 Clause 35

Omit “temporary movement”, substitute “movement”.

4 After clause 35

Insert:

35A Moves between Departments

- (1) This clause applies to the movement of a Parliamentary Service employee from one Department (the *old Department*) to another Department (the *new Department*) that is not associated with a promotion.
- (2) A written agreement between the Parliamentary Service employee and the Secretary of the new Department for the employee to move to that Department has effect subject to this clause and clause 55.

Ongoing move

- (3) For an ongoing move:
 - (a) if the Parliamentary Service employee and the Secretaries of the old and new Departments agree, in writing, on a date of effect, the move takes effect on the agreed date; and
 - (b) if paragraph (a) does not apply, the move takes effect 4 weeks after the Parliamentary Service employee informs the Secretary of the old Department, in writing, of the proposed move.

Temporary move

- (4) For a temporary move:
 - (a) if the Secretary of the old Department has agreed, in writing, on a date of effect and a date of return to the old Department, the move takes effect according to the terms of the agreement; and
 - (b) if paragraph (a) does not apply, and the Parliamentary Service employee commences duties in the new Department:
 - (i) the move takes effect on the date the Parliamentary Service employee commences the duties; and

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- (ii) the move takes effect as an ongoing move to that Department at the Parliamentary Service employee's existing classification.

Variation of period of agreement

- (5) If there is an agreement mentioned in paragraph (4)(a), and the Parliamentary Service employee and the Secretary of the new Department agree to vary the period of the move:
 - (a) if the Secretary of the old Department approves the variation, in writing, the variation has effect according to its terms; and
 - (b) if the Secretary of the old Department does not approve the variation, in writing, the variation has no effect.

5 After clause 45

Insert:

45A Suspension from duties

- (1) A Secretary may suspend a Parliamentary Service employee employed in the Secretary's Department from duties if the Secretary believes on reasonable grounds that:
 - (a) the employee has, or may have, breached the Code of Conduct; and
 - (b) the employee's suspension is in the public, or the Department's, interest.
- (2) The suspension may be with remuneration.
- (3) If the suspension is to be without remuneration, the period without remuneration is to be:
 - (a) not more than 30 days; or
 - (b) if exceptional circumstances apply—a longer period.
- (4) The Secretary must review the suspension at reasonable intervals.
- (5) The Secretary must immediately end the suspension if the Secretary no longer believes on reasonable grounds:
 - (a) that the Parliamentary Service employee has, or may have, breached the Code of Conduct; or
 - (b) that the Parliamentary Service employee's suspension is in the public, or the Department's, interest.
- (6) The Secretary must immediately end the suspension if a sanction has been imposed on the Parliamentary Service employee for the relevant breach of the Code of Conduct.
- (7) In exercising powers under this clause, the Secretary must have due regard to procedural fairness unless the Secretary is satisfied on reasonable grounds that, in the particular circumstances, it would not be appropriate.

6 Paragraph 150(1)(c)

Omit "(c)", substitute "(c)".

7 Paragraph 150(3)(c)

Omit "(c)", substitute "(c)".

8 Clause 1 of Schedule 2 (table heading)

Repeal the heading, substitute:

Comparable classification or lower