



# **Parliamentary Service Amendment (Notification of Decisions and Other Measures) Determination 2016**

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We, Senator the Hon Stephen Parry, President of the Senate, and the Hon Tony Smith MP, Speaker of the House of Representatives, make the following determination.

Dated 5 October 2016

Senator the Hon Stephen Parry  
President of the Senate

The Hon Tony Smith MP  
Speaker of the House of Representatives



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## **1 Name**

This is the *Parliamentary Service Amendment (Notification of Decisions and Other Measures) Determination 2016*.

## **2 Commencement**

This instrument commences on the day after registration.

## **3 Authority**

This instrument is made under subsection 71(1) of the *Parliamentary Service Act 1999*.

## **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 21

Repeal the clause, substitute:

#### 21 Additional requirements for SES engagement or promotion decisions

A selection process that results in a decision to engage or promote a person as an SES employee meets the requirements of this Subdivision only if, in addition to the requirements in clause 19, the following apply:

- (a) the Commissioner, or a representative of the Commissioner, was a full participant in the selection process;
- (b) if a representative of the Commissioner participated in the selection process—the representative certified that the selection process complied with the Act and this determination.

Note: Clause 20 requires the decision to be made within 12 months after the notification of the vacancy in the Public Service *Gazette* on which the selection process was based.

#### 2 Paragraph 30(3)(b)

Omit “employee”, substitute “person”.

#### 3 Paragraphs 39(1)(i) and (j)

Repeal the paragraphs, substitute:

- (i) the termination of the employment of an ongoing Parliamentary Service employee on the ground mentioned in paragraph 29(3)(g) of the Act (breach of the Code of Conduct).”.

#### 4 Paragraph 40(1)(f)

Omit “paragraph 39(1)(i);”, substitute “paragraph 39(1)(i).”.

#### 5 Paragraph 40(1)(g)

Repeal the paragraph.

#### 6 Clause 112

Repeal the clause.

#### 7 Part 16

Repeal the Part, substitute:

## Part 16—Transitional provisions

### 148 Decision to terminate employment of ongoing Parliamentary Service employee

- (1) This clause applies if, before the commencement of the *Parliamentary Service Amendment (Notification of Decisions and Other Measures) Determination 2016* (the **amendment determination**):

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- (a) a Secretary had made a decision (a **termination decision**) to terminate the employment of an ongoing Parliamentary Service employee under section 29 of the Act (other than for breach of the Code of Conduct); and
  - (b) the termination had taken effect; and
  - (c) the termination decision had not been notified in the Gazette.
- (2) Despite the amendments made by the amendment determination, clause 39 of this determination, as in force immediately before the commencement of the amendment determination, continues to apply in relation to the termination decision.

#### **149 Decision to cancel termination decision**

- (1) This clause applies in relation to a decision (a **cancellation decision**) by a Secretary to cancel a decision (a **termination decision**) to terminate the employment of an ongoing Parliamentary Service employee under section 29 of the Act (other than for breach of the Code of Conduct), if:
  - (a) the termination decision has been notified in the Gazette; and
  - (b) the cancellation decision has not been notified in the Gazette.
- (2) Despite the amendments made by the *Parliamentary Service Amendment (Notification of Decisions and Other Measures) Determination 2016* (the **amendment determination**), clause 40 of this determination, as in force immediately before the commencement of the amendment determination, continues to apply in relation to the cancellation decision.

#### **150 Retirement by SES employee with payment of incentive**

- (1) This clause applies if, before the commencement of the *Parliamentary Service Amendment (Notification of Decisions and Other Measures) Determination 2016* (the **amendment determination**):
  - (a) an SES employee had been given a notice under section 37 of the Act; and
  - (b) the employee had retired within the period specified in the notice; and
  - (c) the retirement had not been notified in the Gazette.
- (2) Despite the amendments made by the amendment determination, clause 39 of this determination, as in force immediately before the commencement of the amendment determination, continues to apply in relation to the retirement.