



Parliamentary Service Amendment (Independent Parliamentary Workplace Complaints Mechanism) Determination 2022

We, Senator the Hon Slade Brockman, President of the Senate, and the Hon Andrew Wallace MP, Speaker of the House of Representatives, make the following determination.

Dated 11 April 2022

Senator the Hon Slade Brockman
President of the Senate

The Hon Andrew Wallace MP
Speaker of the House of Representatives

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1 Name

This instrument is the *Parliamentary Service Amendment (Independent Parliamentary Workplace Complaints Mechanism) Determination 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	12 April 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subparagraph 112B(1)(a)(i)

After “serious incidents”, insert “or misconduct”.

2 Subparagraph 112B(1)(a)(ii)

Repeal the subparagraph, substitute:

- (ii) providing support to current or former Commonwealth parliamentary workplace participants in relation to such serious incidents or misconduct, and other matters relating to work health and safety in the course of performing duties in a Commonwealth parliamentary workplace or in the course of performing duties as a Commonwealth parliamentary workplace participant;

3 Paragraph 112B(1)(b)

Omit “MOP(S) Act employees and parliamentarians” (first and second occurring), substitute “Commonwealth parliamentary workplace participants”.

4 Subparagraph 112(1)(b)(ii)

After “serious incidents”, insert “or misconduct”.

5 Subparagraph 112B(1)(b)(iii)

Omit “as a MOP(S) Act employee or parliamentarian”, substitute “in a Commonwealth parliamentary workplace or in the course of performing duties as a Commonwealth parliamentary workplace participant”.

6 Subclauses 112B(2) and (3)

Repeal the subclauses.

7 Subclause 112B(4)

Insert:

Commonwealth parliamentary workplace participant means:

- (a) a MOP(S) Act employee; or
- (b) a parliamentarian; or
- (c) a Parliamentary Service employee; or
- (d) a person employed by the Commonwealth as a driver to provide the car-with-driver transport service known as COMCAR, where those duties relate to a Commonwealth parliamentary workplace participant; or
- (e) any other person who works in a Commonwealth parliamentary workplace.

Commonwealth parliamentary workplace means the area defined as the Parliamentary precincts as defined by subsection 3(1) of the *Parliamentary Precincts Act 1988*, or an office provided or made available under the *Parliamentary Business Resources Act 2017*.

8 Subclause 112B(4) (definition of *MOP(S) Act employee*)

Repeal the definition, substitute:

MOP(S) Act employee means a person who is employed under Part III or IV of the *Members of Parliament (Staff) Act 1984* or engaged under Part II of the *Members of Parliament (Staff) Act 1984*.

9 Subclause 112B(4) (definition of *parliamentarian*)

Repeal the definition, substitute:

parliamentarian means:

- (a) a Senator; or
- (b) a Member of the House of Representatives; or
- (c) a senior office holder as defined under the *Parliamentary Business Resources Regulations 2017*; or
- (d) any other person to whom remuneration is payable under section 49 of the *Parliamentary Business Resources Act 2017*; or
- (e) a person not covered by any of the preceding paragraphs who held the office of Prime Minister, in the person's capacity as someone who may, on behalf of the Commonwealth, employ MOP(S) Act employees under Part III of the *Members of Parliament (Staff) Act 1984*.

10 Subclause 112B(4) (definition of *serious incident*)

Repeal the definition.

11 Subclause 112B(4)

Insert:

serious incident or misconduct means:

- (a) sexual assault; or
- (b) assault; or
- (c) sexual harassment; or
- (d) harassment; or
- (e) a person being bullied at work (within the meaning of the *Fair Work Act 2009*); or
- (f) an instance of a person behaving unreasonably towards another person in a way that creates a risk to work health or safety.

12 Schedule 1

Insert:

Commonwealth parliamentary workplace has the meaning given by subclause 112B(4).

Commonwealth parliamentary workplace participant has the meaning given by subclause 112B(4).

13 Schedule 1 (definition of *serious incident*)

Repeal the definition.

14 Schedule 1

Insert:

serious incident or misconduct has the meaning given by subclause 112B(4).