



Parliamentary Service Commissioner's Directions 2025

I, Dr Gordon de Brouwer PSM, Parliamentary Service Commissioner, make the following directions.

Dated 27 March 2025

Dr Gordon de Brouwer PSM
Parliamentary Service Commissioner

Contents

Part 1—Preliminary	1
1 Name	1
2 Commencement.....	1
3 Authority	1
4 Schedules.....	1
5 Definitions.....	1
Part 2—Basic procedural requirements for handling suspected breaches of the Code of Conduct	2
Division 1—Introduction	2
6 Purpose of this instrument.....	2
Division 2—Procedural requirements	3
7 Employee must be informed that a determination is being considered.....	3
8 Employee must be informed before a sanction is imposed.....	3
9 Person making determination to be independent and unbiased	3
10 Determination process to be informal	3
11 Record of determination and sanctions	4
Division 3—Additional procedural requirements for SES employees	5
12 Role of Secretary and Commissioner.....	5
Part 3—Application provisions	6
13 Application provisions	6
Schedule 1—Repeals	7
<i>Parliamentary Service Commissioner’s Direction 2014</i>	7

Part 1—Preliminary

1 Name

This instrument is the *Parliamentary Service Commissioner’s Directions 2025*.

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	1 April 2025.	1 April 2025

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

- Note: A number of expressions used in this instrument are defined in the Act, including the following:
- (a) Code of Conduct;
 - (b) Commissioner;
 - (c) former Parliamentary Service employee;
 - (d) Parliamentary Service employee;
 - (e) relevant Department;
 - (f) Secretary;
 - (g) SES employee.

In this instrument:

Act means the *Parliamentary Service Act 1999*.

Section 6

Part 2—Basic procedural requirements for handling suspected breaches of the Code of Conduct

Division 1—Introduction

6 Purpose of this instrument

For the purposes of subsection 15(6) and paragraph 15(4)(a) of the Act, this instrument sets out the basic procedural requirements with which procedures established by a Secretary under subsection 15(3) of the Act must comply.

Note 1: Subsection 15(3) of the Act requires a Secretary to establish written procedures for determining:

- (a) whether a Parliamentary Service employee, or a former Parliamentary Service employee, in the relevant Department has breached the Code of Conduct; and
- (b) the sanction that is to be imposed (if any) on a Parliamentary Service employee who is found to have breached the Code of Conduct.

Note 2: See also section 54 of the *Parliamentary Service Determination 2024* (which deals with managing performance in cases of a potential breach of the Code of Conduct).

Division 2—Procedural requirements

7 Employee must be informed that a determination is being considered

A person must not make a determination that a Parliamentary Service employee or former Parliamentary Service employee has breached the Code of Conduct unless the person takes reasonable steps to:

- (a) inform:
 - (i) the employee or former employee of the details of the suspected breach of the Code of Conduct (including any subsequent variation of those details); and
 - (ii) the employee of the sanctions that may be imposed on the employee under subsection 15(1) of the Act; and
- (b) give the employee or former employee a reasonable opportunity to make a statement in relation to the suspected breach.

8 Employee must be informed before a sanction is imposed

A person must not make a determination to impose a sanction on a Parliamentary Service employee who is found to have breached the Code of Conduct unless the person takes reasonable steps to:

- (a) inform the employee of:
 - (i) the determination that the employee has breached the Code of Conduct; and
 - (ii) the sanction that is under consideration; and
 - (iii) the factors that are under consideration in determining the sanction to be imposed; and
- (b) give the employee a reasonable opportunity to make a statement in relation to the sanction under consideration.

9 Person making determination to be independent and unbiased

A Secretary must take reasonable steps to ensure that:

- (a) the person who determines whether a Parliamentary Service employee or former Parliamentary Service employee has breached the Code of Conduct is, and appears to be, independent and unbiased; and
- (b) the person who determines the sanction to be imposed (if any) is, and appears to be, independent and unbiased.

10 Determination process to be informal

The process for determining whether a Parliamentary Service employee or former Parliamentary Service employee has breached the Code of Conduct must be carried out with as little formality and as much expedition as a proper consideration of the matter allows.

Section 11

11 Record of determination and sanctions

If a person makes a determination in relation to a suspected breach of the Code of Conduct by a Parliamentary Service employee or former Parliamentary Service employee, a written record must be made of:

- (a) the suspected breach; and
- (b) the determination; and
- (c) any sanction imposed as a result of a determination that the employee breached the Code of Conduct; and
- (d) if a statement of reasons was given to the employee or former employee—the statement of reasons.

Note: The *Archives Act 1983* applies to a record made under this section.

Division 3—Additional procedural requirements for SES employees

12 Role of Secretary and Commissioner

Consultation on process

- (1) A Secretary must consult with the Commissioner on the process for determining whether an SES employee in the relevant Department has breached the Code of Conduct if a person suspects the employee of doing so.

Consultation on possible sanctions

- (2) A Secretary must consult with the Commissioner before the Secretary or delegate imposes a sanction on an SES employee in the relevant Department if:
 - (a) a person determines (under procedures established under subsection 15(3) or 48A(2) of the Act) that the employee has breached the Code of Conduct; and
 - (b) the Secretary or delegate is considering imposing a sanction on the employee.

Note: The Commissioner may, from time to time, issue guidance about matters relating to breaches of the Code of Conduct.

Section 13

Part 3—Application provisions

13 Application provisions

- (1) Subsection 12(1) of this instrument applies in relation to a suspicion formed on or after the commencement of this section, whether the suspicion relates to the conduct of an SES employee occurring before, on or after that commencement.
- (2) Subsection 12(2) of this instrument applies in relation to a determination made on or after the commencement of this section that an SES employee has breached the Code of Conduct, whether the determination relates to the conduct of the SES employee occurring before, on or after that commencement.

Schedule 1—Repeals

Parliamentary Service Commissioner's Direction 2014

1 The whole of the instrument

Repeal the instrument.