



Parliamentary Workplace Support Service Advisory Board

Terms of Reference

Version 1.0

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Terms of Reference

Context

The establishment of the Parliamentary Workplace Support Service (PWSS) is in response to the *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*.

The PWSS provides a broad range of human resource advice and assistance to parliamentarians and

Members of Parliament (Staff) Act 1984 (MOPS) employees, including:

- employment life-cycle matters such as job design, recruitment, probation, performance management, office structure and termination;
- education, training and professional development; and
- work health and safety policy, compliance and incident management.

The PWSS also provides a range of trauma-informed support services and complaint resolution for all Commonwealth parliamentary workplace participants, including:

- counselling, early intervention, local resolution and mediation;
- referral to specialised services; and
- support to make a police report.

Pending the establishment of the Independent Parliamentary Standards Commission, the PWSS will also maintain a workplace review function.

The Special Minister of State, under subsection 46(1) of the *Parliamentary Workplace Support Service Act 2023* (PWSS Act), has appointed members of the PWSS Advisory Board to advise the CEO on the performance of the functions of the PWSS or CEO

Purpose

The PWSS Advisory Board Terms of Reference outlines the governance framework within which the Advisory Board will operate including the functions, membership, decision-making processes and administrative arrangements

Functions

1. The functions of the PWSS Advisory Board as contained in the PWSS Act¹ are:
 - a. to advise the CEO in relation to the performance of the functions of the PWSS or CEO; and
 - b. to consider in accordance with section 44:
 - i. proposed mandatory policies or procedures; and
 - ii. proposed mandatory education or training programs, and proposed requirements for completing those programs; and

¹ Section 43, PWSS Act 2023

- c. such other functions as are conferred on the PWSS Advisory Board by this Act or by any other law of the Commonwealth.
2. However, it is not a function of the PWSS Advisory Board to:
 - a. direct the activities of the PWSS; or
 - b. give or seek advice or information about, or in relation to, a particular person or case.
3. The PWSS Advisory Board may give advice as mentioned in subsection (1) of the *PWSS Act*:
 - a. on the PWSS Advisory Board's own initiative; or
 - b. at the request of the CEO.
4. The PWSS Advisory Board may invite representatives of the PWSS to attend a meeting of the PWSS Advisory Board.

Membership

1. As required by the *PWSS Act*, the PWSS Advisory Board consists of the following members² who are appointed by the Minister:
 - a. a Chair;
 - b. at least 3, and not more than 4, other members.
2. At least 2 members of the PWSS Advisory Board must be women.
3. At least one member of the PWSS Advisory Board must be:
 - a. a former Commonwealth judicial officer; or
 - b. a former judge of the Supreme Court of a State or Territory.
4. The length of appointment is determined by the Minister and generally set at a period not exceeding:
 - a. Five years for the Chair and former Commonwealth judicial officer or former judge of the Supreme Court of a State or Territory; and
 - b. Three years for all other members.

Conduct and Ethics

1. The Chair and members agree to abide by the principles set out in the [APS Values | Australian Public Service Commission \(apsc.gov.au\)](#) and [APS Code of Conduct | Australian Public Service Commission](#).
2. In particular, the Chair and members are required to:
 - a. Disclose potential conflicts of interest and address any issues in accordance with the Disclosure of Interests section of these Terms of Reference;
 - b. Not use their position and information for personal benefit or advantage at the expense of the Advisory Board;
 - c. Deal with other members and the Secretariat with courtesy and respect;
 - d. Respect the privacy and confidentiality of information obtained in the course of their participation and not share information that members are instructed to keep confidential;
 - e. Be committed to the Advisory Board's objectives and act in its best interests.

² Section 45, *PWSS Act* 2023

Disclosure of Interests

3. In line with the PWSS Act³, a member of the PWSS Advisory Board must give written notice to the Minister of any direct or indirect pecuniary interest that the member has or acquires and that conflicts or could conflict with the proper performance of the member's duties.
4. A member of the PWSS Advisory Board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the PWSS Advisory Board must disclose the nature of the interest to a meeting of the PWSS Advisory Board.
5. The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge.
6. The disclosure must be recorded in the minutes of the meeting.
7. Unless the PWSS Advisory Board otherwise determines, the member:
 - a. must not be present during any deliberation by the PWSS Advisory Board on the matter; and
 - b. must not take part in any decision of the PWSS Advisory Board with respect to the matter.
8. For the purposes of making a determination under subsection (5), the member:
 - a. must not be present during any deliberation of the PWSS Advisory Board for the purpose of making the determination; and
 - b. must not take part in making the determination.
9. A determination under subsection (5) must be recorded in the minutes of the meeting of the PWSS Advisory Board.

Administrative Arrangements

Holding meetings

1. The PWSS Advisory Board must hold such meetings as are necessary for the efficient performance of its functions.
2. The Chair of the PWSS Advisory Board:
 - a. may convene a meeting at any time; and
 - b. must convene at least one meeting in each half of a calendar year; and
 - c. must convene a meeting within 30 days after receiving a written request to do so from the CEO.
3. Meetings will be conducted face-to-face and/or by videoconference as necessary.

Quorum

1. At a meeting of the PWSS Advisory Board, a quorum is constituted by two members.

³ Section 50, PWSS Act 2023

Presiding at meetings

1. The Chair of the PWSS Advisory Board must preside at all meetings at which the Chair is present.
2. If the Chair of the PWSS Advisory Board is not present at a meeting, the other members of the PWSS Advisory Board present must appoint one of themselves to preside. The member so elected will be entitled to remuneration that the Chair would have received.
3. The Chair will ensure there is effective participation and decision-making at Board meetings.
4. Promote good relations with Ministers and other parliamentarians, key stakeholders, and PWSS staff.

Decisions of the Board

1. The Board will operate on a consensus model where each member has the opportunity to share their view, and decisions are agreed and recorded in the minutes of the meeting.
2. Where consensus cannot be reached, decisions will be determined by a majority of the votes of members present and voting except any members required by section 50 of the Act not to take part in that decision. Each member present at a meeting (including the Chair) is entitled to one vote but, in the event of an equality of votes on any question, the Chair or member presiding at the meeting also has a casting vote.
3. The Board may make “out-of-session” decisions or recommendations on routine matters as may be required from time to time. Such decisions will require a quorum of responses (refer to Quorum section of these Terms of Reference) and must be fully documented and retained by the Secretariat.

Secretariat

1. PWSS will provide secretariat services to the Advisory Board. The Secretariat will ensure:
 - a. the Chair approves the agenda for each meeting;
 - b. the agenda and supporting papers are circulated at least 5 business days before each meeting;
 - c. the minutes and actions of each meeting are prepared and maintained;
 - d. the minutes must be reviewed by the Chair and circulated in a timely manner to each member prior to being included in the papers for the next meeting;
 - e. Implement recommendations of the Advisory Board; and
 - f. undertake other activities that advance the Advisory's Board's functions

Review

The Terms of Reference will be reviewed every two years or as required, to ensure it remains consistent with the Advisory Board's objectives, responsibilities and relevant standards of corporate governance. Any modifications to or replacement of this Terms of Reference must be approved by the CEO.