

From: [REBECCASKINNERARCHIVE](#)
To: ["de Brouwer, Gordon"](#)
Cc: [Michelle Lees \(Michelle.Lees@servicesaustralia.gov.au\)](mailto:Michelle.Lees@servicesaustralia.gov.au)
Subject: Cate Saunders [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]
Date: Monday, 24 July 2023 11:42:00 AM

Gordon,

Thanks for the discussion on Friday evening regarding Cate Saunders.

Ms Saunders came to work in Services Australia in a modified Band 2 role at the request of the former Public Service Commissioner, Mr Woolcott on a six month temporary arrangement which concludes on 17 October 2023. s47F(1)

I understand from Ms Saunders conversation with you and through our conversation that it looks unlikely that she will be in a position to return to her nominal Band 3 position in Department of Parliamentary Services. Given a lack of role I had explored (without prejudice given she is not a Services Australia employee) whether an incentive to retire may be something she would consider. s47F(1)

If you consider that there would be a basis for considering an ITR given her current circumstances, could the APSC obtain relevant HR information? I assume either APSC could undertake the ITR calculations or we could assist, noting we have a capable SES unit s47F(1)

I have copied DCEO Michelle Lees as she is supporting Ms Saunders as her direct supervisor.
Regards

Rebecca
Rebecca Skinner, PSM
Chief Executive Officer
Phone s47F(1)
Mobile s47F(1)
EA: s47F(1)

SERVICES AUSTRALIA
servicesaustralia.gov.au


s47F(1)

Box 7788 Canberra Business Centre ACT 2610


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Mon 24/07/2023 9:12 AM


s47F(1) on behalf of  Saunders, Cate

Accepted: 3:30pm Rebecca/Cate Catch-up [SEC=OFFICIAL]

To  REBECCASKINNERARCHIVE

When Monday, 24 July 2023 3:30 PM-4:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.

Location **s47F(1)**

 We couldn't find this meeting in the calendar. It may have been moved or deleted.
Cornwell, India has accepted this meeting on behalf of Saunders, Cate.

From: [Vasudevan, Vidya](#)
To: s47F(1)
Cc: [de Brouwer, Gordon](#); [REBECCASKINNERARCHIVE](#)
Subject: Estimate - ITR [SEC=OFFICIAL:Sensitive]
Date: Wednesday, 9 August 2023 4:02:58 PM
Attachments: [image005.png](#)
[image007.png](#)
[Saunders, Catherine_Estimate.docx](#)

Caution: Do not click any links or open any attachments unless you trust the sender and believe the content to be safe.

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Good afternoon s47F(1)

As discussed, attached is the estimate ITR for Cate. s47F(1)

Happy to discuss further if required.

Regards

Vidya Vasudevan

Assistant Commissioner | Enabling Services Group

Australian Public Service Commission

Level 3, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
 GPO Box 3176 CANBERRA ACT 2601

t: s47F(1) m: s47F(1) w: www.apsc.gov.au



The Australian Public Service Commission acknowledges the traditional owners and custodians of Country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and elders past, present and emerging.

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Estimate – Incentive to Retire

An incentive to retire estimate may be offered to an SES employee, which is subject to the Agency's Head approval under Section 37 of the *Public Service Act 1999*. The APSC outlines what is appropriate to be included and as a general rule an incentive to retire is calculated in the following manner:

- Two weeks for every year of service up to a maximum of 48 weeks. Where an employee has long service, it is expected that a discount of 50% will be applied. This recognises that people with long service will generally have access to significant Commonwealth-funded superannuation benefits on retirement.
- Service broken by LWOP or a break in service will impact the severance component.
- Where it is not possible to provide adequate notice of termination of employment, or the agency head does not require the employee to work through the notice period, a payment in lieu of notice may be appropriate in addition to the incentive amount. Section 117(3) of the *Fair Work Act 2009* defines the notice period.
- Salary for payment in lieu purposes includes all entitlements the employer would have been liable to pay if the employee had worked through the notice period.

Any unused annual leave or long service leave will be paid out on cessation. Superannuation estimates can also be obtained, on request.

Prior to making a final decision, it is strongly advised that the employee seek independent financial advice.

Disclaimer

Please note that these calculations regarding leave, salary and notice entitlements are an estimate and may vary at the time of cessation. The amount of severance pay must be agreed to by the Agency Head before a formal offer is made. Calculations may be affected by:

- Agency Head's advice/endorsement
- Changes to taxation rates
- Leave balance changes or reconciliations
- Reconciliations or termination payments
- Salary packaging adjustments
- Any other relevant items.

These calculations are based on a particular type of incentive being offered. Depending on the reasons for offering an incentive, different taxation treatment may be applied. The Australian Taxation Office notes that a redundancy is bona fide when the employer dismisses an employee because the job the employee was doing is redundant. The redundant job may be work of a particular kind, either generally or in a particular location. The employer does not need approval from the Commissioner of Taxation to make this type of payment. The employee will receive tax benefits for payments made because of a genuine (bona fide) redundancy.

A bona fide redundancy occurs when the:

- employer has made a definite decision that the job of an employee ceases to exist
- decision is not due to the ordinary and customary turnover of labour
- decision led to the termination of the employee's employment, and
- termination is not on account of any personal act or default of the employee, or caused by any consideration peculiar to the employee, or is for personal or disciplinary reasons.

A bona fide redundancy does not occur when the:

- dismissed employee reaches normal retirement age
- employee was not dismissed but left voluntarily
- another employee of similar age or skills replaced the employee soon after
- employee was dismissed for disciplinary reasons, or
- employee was dismissed for inefficiency.

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Australian Government

Services Australia

Ref: EC23-003535

To: Chief Executive Officer (for decision by 4 September 2023 to provide formal offer paperwork to Ms Saunders)

Through: Michelle Lees, Chief Operating Officer

Instrument of Delegation / Incentive to Retire - Ms Cate Saunders

Recommendations – **that you:**

1. **Note** the Instrument of Delegation from the Department of Parliamentary Services providing you with the power to offer an incentive to retire to Ms Cate Saunders, pursuant to section 37 of the *Parliamentary Services Act 1999* at Attachment A.

Noted/Please
discuss

2. **Agree** to offer Ms Cate Saunders an Incentive to Retire (ITR), effective 1 October 2023.

Agreed/Not agreed

3. **Sign** the formal offer letter to Ms Saunders at Attachment B.

Signed/Not Signed

s47F(1)

Rebecca Skinner

Date 25/8/23

Purpose

To seek your agreement to a formal offer of retirement with an incentive to Ms Saunders.

Key Points:

- Ms Saunders is an employee of the Department of Parliamentary Services (DPS) who is on a six-month secondment to the agency from 17 April 2023.
- Ms Saunders has indicated she will accept a retirement with an incentive if a formal offer is made, effective 1 October 2023.
- The DPS has issued an Instrument of Delegation providing you with the power to offer Ms Saunders' an incentive to retire, pursuant to section 37 of the *Parliamentary Services Act 1999*, at Attachment C.
- This delegation will be revoked after the Incentive to Retire process has been completed. You will be provided with a copy of the instrument of revocation once this has been made by DPS.

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5. The estimated incentive amount for Ms Saunders is based on information provided by the DPS in relation to length of service, annual and long-service leave accrual amounts.

s47F(1)

9. Should you agree to the retirement with an incentive for Ms Saunders, a formal offer letter and a breakdown of the proposed incentive to retire estimate is provided for your signature at Attachment A.

10. In the event Ms Saunders accepts the formal offer, the SES Unit will work with the DPS to ensure the payment amount is provided to Ms Saunders. Services Australia does not pay Ms Saunders, therefore it would be the responsibility of DPS to finalise this matter.

Final approver:	Sally Martin
Position:	Acting General Manager
Group/Division/Branch:	Corporate Enabling / Workplace Relations
Day Month Year:	25 August 2023
Contact Officer:	s47F(1)
Phone no:	
Agreed by:	N/A

Attachments

A – Instrument of Delegation

B – Letter to Ms Saunders

C – Covering letter from DPS

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Parliamentary Service (Secretary – Senior Executive Service - Incentive to Retire) Delegation 2023

I, Rob Stefanic, Secretary, Department of Parliamentary Services, acting under subsection 70(2) of the *Parliamentary Service Act 1999*, delegate my powers and functions under section 37 of the *Parliamentary Service Act 1999* to Rebecca Skinner, Chief Executive Officer, Services Australia.

Dated 22 August 2023

s47F(1)

Rob Stefanic
Secretary, Department of Parliamentary Services

*Parliamentary Service (Secretary – Senior Executive Service - Incentive to Retire)
Delegation 2023*

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PARLIAMENT OF AUSTRALIA
DEPARTMENT OF PARLIAMENTARY SERVICES

DPS ref: D23/180896

Rebecca Skinner

Chief Executive Officer

Services Australia

Dear Ms Skinner

Please see attached an Instrument of Delegation providing you with the power to give a notice of an Incentive to Retire payment, pursuant to section 37 of the *Parliamentary Service Act 1999*.

I note that this delegation has been made for the sole purpose of offering Cate Saunders an Incentive to Retire payment pursuant to section 37 of the *Parliamentary Service Act 1999* and will be revoked after this process has been completed (I will provide you with a copy of the instrument of revocation once it has been made).

Please do not hesitate to contact me to discuss this matter further if necessary.

Yours sincerely

s47F(1)

Secretary

22 August 2023

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Senate Community Affairs Legislation Committee

Budget Estimates – 03 June 2024
ANSWER TO QUESTION ON NOTICE

The Hon Bill Shorten MP
Minister for the National Disability Insurance Scheme
Minister for Government Services

Topic: Cate Saunders Secondment – Email

Question reference number: SA SQ24-000234

Outcome Number: 1

Senator: Jane Hume

Type of Question: Spoken. Hansard Page/s: 44-45

Date set by the Committee for the return of answer: 25 July 2024

Question:

Senator HUME: I'll be very quick. Just as I walked out, I got a message to say that we received some correspondence via the public administration legislation committee, which Senator Pratt chairs. It's from the Deputy Secretary of the Department of Parliamentary Services that confirmed that on 10 August 2023, the Chief Operating Officer, Services Australia provided an email to the First Assistant Secretary, Corporate Services, Department of Parliamentary Services. It stated in part: 'As you know, Ms Kate Saunders is currently on secondment from the Department of Parliamentary Services, DPS, to Services Australia for a period of six months, which ends in October 2023. It's understood that there is no role for Ms Saunders to return to in DPS. Ms Saunders has indicated an interest in being considered for an incentive to retire from the APS as part of a respectful separation and, given a conflict of interest exists, the Public Service Commissioner has advised that Mr Stefanic can delegate the decision in relation to the incentive to retire to the Services Australia CEO, Ms Rebecca Skinner.' Could you please provide that email to this committee on notice.

Mr Hazlehurst: The email you've just read out?

Senator HUME: I haven't read the email. I read a document that was a summary of the email from the deputy secretary of DPS. You have the email in Services Australia, so I'm wondering if you can provide that email to us?

Mr Hazlehurst: We'll take that on notice, certainly.

Senator HUME: If you are going to make a public interest immunity claim, I would like to know about it now.

Mr Hazlehurst: I need to find the email first, Senator.

Senator HUME: If you find the email, could you then, please, come back to this committee with a copy of the email on notice.

Mr Hazlehurst: Yes.

Senator HUME: If you can't find the email, I would also like to have that explained to the committee. And, if you find the email but do not want to return it to this committee, I would like to understand what public interest immunity claim you are going to make.

Mr Hazlehurst: Of course.

Senator HUME: Thank you very much.

CHAIR: I understand that you've taken that on notice, Mr Hazlehurst, and we'll deal with the rest of that as it comes.

Answer:

Please refer to Attachment A.

From: Lees, Michelle <Michelle.Lees@servicesaustralia.gov.au>

Sent: Thursday, 10 August 2023 12:35 PM

To: james.koulouris@aph.gov.au

Cc: Martin, Sally <Sally.Martin@servicesaustralia.gov.au>

Subject: Summary notes from our phone call [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]

Thanks for the opportunity to speak with you just now, James.

Below is a summary of our discussion:

- As you know, Ms Cate Saunders is currently on secondment from the Department of Parliamentary Services (DPS) to Services Australia for a period of 6 months, which ends in October 2023.
- It is understood there is no role for Ms Saunders to return to in DPS.
- Ms Saunders indicated an interest in being considered for an incentive to retire from the APS, as part of a respectful separation.
- Given a conflict of interest exists, the Public Service Commissioner has advised that Mr Stefanic can delegate the decision in relation to the incentive to retire to the Services Australia CEO, Ms Rebecca Skinner.
- The APSC completed a preliminary incentive to retire calculation for Ms Saunders to consider and this information was provided to Ms Saunders this morning. Ms Saunders has advised that she would like to progress to a formal offer of an incentive to retire.
 - I have attached the APSC calculations so your team can undertake due diligence around the figures, noting Ms Saunders has indicated a preference for her last day in the APS to be 1.10.23.
- Once we have the final incentive to retire figures, we will progress the paperwork to Ms Skinner to delegate on and then return the paperwork to your department for final processing.
- As Ms Saunders' current employer, I'd appreciate if you can request a ^{s47F(1)} Redundancy Estimate for Ms Saunders. Once received I will onforward for Ms Saunders' consideration.

Please give me a call if you would like to discuss further. Thank you for your assistance in this matter.

Regards

Michelle Lees

Chief Operating Officer

Phone 02 6143 4960 (634960)

Mobile 0411 670 881

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I acknowledge the Traditional Custodians of the lands we live on. I pay my respects to all Elders, past and present, of all Aboriginal and Torres Strait Islander nations

Budget Estimates – 03 June 2024
QUESTION ON NOTICE CLEARANCE SHEET

Number:	SQ24-000234
Date Due to Table Office:	25 July 2024
Cleared by: Sally Martin General Manager Wellbeing and HR Support Division s47F(1)	
Contact Officer: s47F(1) Director SES Unit/Wellbeing and HR Support Division s47F(1)	
Additional Comments: N/A.	
Previous answers: <i>[Select at least one option below]</i> <input checked="" type="checkbox"/> This question (or similar) has not been asked at a recent Senate Estimates hearing. <input type="checkbox"/> This question (or similar) has been asked at a recent Senate Estimates hearing. Ref Nos: [Add PDR No/s]. Copy/ies attached and wording has been used in preparing this response. <input type="checkbox"/> This question (or similar) has been asked previously via a Parliamentary / Parliamentary Committee Inquiry Question on Notice. Ref Nos: [PDR No/s]. Copy/ies attached and wording has been used in preparing this response.	
Data Verification Source: N/A Data Checked by: N/A	

Services Australia Clearance:

s47F(1)

Danielle Regeling
 A/g Chief Operating Officer
 Corporate Enabling

_____	28 June 2024
<i>Signature</i>	<i>Date</i>

s47F(1)

David Hazlehurst
 Chief Executive Officer
 Services Australia

_____	1/7/24
<i>Signature</i>	<i>Date</i>

ANSWER TO QUESTION SENATE ESTIMATES QUESTION ON NOTICE

PDMS reference: SQ24-000234
Date asked: 03 June 2024
Asked by: Senator Jane Hume

The attached answer has been approved by the Minister for Government Services.

s47F(1)

SHORTEN MP

/ /2024

Encl.