

Item Number	Title	Departmental Minute Number
1.	Public Service (Secretary of the Department of Home Affairs) Termination 2023	447



PRIME MINISTER

Departmental No. 447

Executive Council Meeting No. 25

Minute Paper for the Executive Council

Subject

*Public Service Act 1999*Public Service (Secretary of the Department
of Home Affairs) Termination 2023

Recommended for the approval of His Excellency the Governor-General in Council that, by instrument in the attached form and under subsection 59(1) of the *Public Service Act 1999*, he terminate the appointment of:

- a. Mr Michael Pezzullo AO as the Secretary of the Department of Home Affairs to take effect at the end of 27 November 2023.

Approved in Council
s 22(1)(a)(ii)

David Hurley
Governor-General
s 22(1)(a)(ii)

27 November 2023

Filed in the Records
of the Council
s 22(1)(a)(ii)

Secretary to the Executive Council

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s 22(1)(a)(ii)

s 22(1)(a)(ii) Anthony Albanese
Prime Minister



COMMONWEALTH OF AUSTRALIA

Public Service Act 1999

Public Service (Secretary of the Department of Home Affairs) Termination 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under subsection 59(1) of the *Public Service Act 1999*, terminate the appointment of Michael Pezzullo AO as the Secretary of the Department of Home Affairs, to take effect at the end of 27 November 2023.

Dated 27 November 2023

s 22(1)(a)(ii)

David Hurley
Governor-General

s 22(1)(a)(ii)

By His Excellency's Command

s 22(1)(a)(ii)

Anthony Albanese
Prime Minister

EXPLANATORY MEMORANDUM

Minute No. 447 of 2023 – Prime Minister

Subject - *Public Service Act 1999*

Public Service (Secretary of the Department of Home Affairs)
Termination 2023

Section 59 of the *Public Service Act 1999* (the Act) provides for the termination of a Secretary of a Department.

Subsection 59(1) of the Act provides that the Governor-General may, by notice in writing, on the recommendation of the Prime Minister, terminate the appointment of the Secretary of a Department.

Before recommending to the Governor-General that the appointment of a Secretary of a Department, other than the Prime Minister's Department, be terminated, the Prime Minister must have received a report about the proposed termination from the Secretary of the Prime Minister's Department (subsection 59(3)).

Under subsection 59(4) of the Act, the report from the Secretary of the Prime Minister's Department must be prepared after consultation with the Australian Public Service Commissioner (the Commissioner).

The Secretary of the Department of the Prime Minister and Cabinet, Professor Glyn Davis AC, has provided to me a report in accordance with subsection 59(3) of the Act and has advised me that he has consulted the Commissioner, Dr Gordon de Brouwer PSM. Both the Secretary and the Commissioner agree that I should recommend to you the termination of Mr Michael Pezzullo AO as Secretary of the Department of Home Affairs.

This recommendation follows an inquiry into alleged breaches of the Australian Public Service Code of Conduct undertaken by Ms Lynelle Briggs AO. That report found that Mr Pezzullo breached the Code on numerous occasions and recommended that Mr Pezzullo's appointment as Secretary be terminated.

Accordingly, the Minute recommends the termination of the appointment of Mr Michael Pezzullo AO as Secretary of the Department of Home Affairs. The termination is proposed to take effect at the end of 27 November 2023.

The Minute recommends that the termination of this appointments be made in the form proposed.

A report about the proposed termination, prepared under subsection 59(3) of the *Public Service Act 1999*, after consultation with the Australian Public Service Commissioner, was received from the Secretary of the Department of the Prime Minister and Cabinet.

s 22(1)(a)(ii)

s 22(1)
(a)(ii)

Prime Minister

Authority: Section 59(1) of the *Public Service Act 1999*

s 22(1)(a)
(ii)



Australian Government

Department of the Prime Minister and Cabinet

Item 1: **Public Service (Secretary of the Department of Home Affairs)** **Termination 2023**

Act	The <i>Public Service Act 1999</i> (the Act) provides that a Secretary of a Department is to be terminated by the Governor-General on the recommendation of the Prime Minister.
Sponsoring Minister	Prime Minister
Purpose	To terminate the appointment of Mr Michael Pezzullo AO as the Secretary to the Department of Home Affairs from the end of 27 November 2023.
Background	<p>Mr Pezzullo has been the Secretary for the Department of Home Affairs since 20 December 2017.</p> <p>Subsection 59(3) of the Act provides that, before recommending to the Governor-General that the appointment of a Secretary of a Department other than the Prime Minister's Department be terminated, the Prime Minister must have received a report about the proposed termination from the Secretary of the Prime Minister's Department. This report must be prepared in consultation with the Australian Public Service Commissioner (Subsection 59(4) of the Act).</p> <p>Subsection 59(1) of the Act provides the Governor-General may terminate the appointment of a Departmental Secretary on the advice of the Prime Minister.</p>
Consultation	Nil
Authority	Subsection 59(1) of the <i>Public Service Act 1999</i>
Special Conditions	The Prime Minister has received a report about the proposed termination of the appointment prepared by the Australian Public Service Commissioner, as required under 59(3) of the <i>Public Service Act 1999</i> .