



# Public Service Amendment Regulations 2010 (No. 1)<sup>1</sup>

**Select Legislative Instrument 2010 No. 182**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Public Service Act 1999*.

Dated 29 June 2010

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

JOSEPH LUDWIG  
Cabinet Secretary

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**1 Name of Regulations**

These Regulations are the *Public Service Amendment Regulations 2010 (No. 1)*.

**2 Commencement**

These Regulations commence on 2 August 2010.

**3 Amendment of *Public Service Regulations 1999***

Schedule 1 amends the *Public Service Regulations 1999*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Paragraph 5.23 (3) (a)**

*substitute*

(a) the application for review of the action is made outside the periods mentioned in regulation 5.23A, and there are no exceptional circumstances explaining the delay;

**[2] After regulation 5.23**

*insert*

**5.23A When applications for review must be made**

(1) An application for primary review of an APS action must be made:

(a) if the application is made to an affected employee's Agency Head under subregulation 5.24 (1) — within 120 days of the APS action; or

- (b) if the application is made to the Merit Protection Commissioner under paragraph 5.24 (2) (a) — within 60 days of the determination that the affected employee has breached the Code of Conduct; or
  - (c) if the application is made to the Merit Protection Commissioner under paragraph 5.24 (2) (b) — within 60 days of the sanction for breach of the Code of Conduct being imposed; or
  - (d) if the application is made to the Merit Protection Commissioner under subregulation 5.24 (3) — within 60 days of the APS action.
- (2) An application to the Merit Protection Commissioner for secondary review of an APS action must be made:
- (a) if the Agency Head has told an affected employee under regulation 5.26 that the APS action is not reviewable — within 60 days of the affected employee being told; or
  - (b) if the Agency Head has told an affected employee of the Agency Head's decision under subregulation 5.27 (5) and the affected employee is dissatisfied with the decision — within 60 days of the affected employee being told.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.