



Australian Public Service Commissioner's Amendment (2015 Measures No. 1) Direction 2015

I, the Honourable John Lloyd PSM, Australian Public Service Commissioner, make the following direction.

Dated 29 June 2015

John Lloyd
Australian Public Service Commissioner

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1 Name

This is the *Australian Public Service Commissioner's Amendment (2015 Measures No. 1) Direction 2015*.

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 July 2015. | 1 July 2015 |

Note: This table relates only to the provisions of this instrument as originally made.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 subsections 11(1) and 11A(1) and (2) of the *Public 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Australian Public Service Commissioner's Directions 2013

1 Paragraph 2.8(1)(b)

Repeal the paragraph, substitute:

- (b) the vacancy is notified in accordance with clause 2.9;

2 Clause 2.9 (heading)

Repeal the heading, substitute:

2.9 Notification of vacancy in the Public Service Gazette

3 Subclause 2.9(1)

Omit “to which subparagraph 2.8(1)(b)(i) applies”.

4 Paragraph 2.9(1)(c)

Repeal the paragraph, substitute:

- (c) the vacancy was notified with a closing date for applications of:
 - (i) at least 7 calendar days after the notification; or
 - (ii) if the Agency Head was satisfied that there were special circumstances and the Agency Head approved a shorter period—the end of that shorter period; and
- (d) in the case of a vacancy the notification of which was required to be approved by the Commissioner under subclause (2)—the Agency Head obtained the approval of the Commissioner before the vacancy, or a class of vacancies including the vacancy, was notified.

5 Subclause 2.9(2)

Repeal the subclause, substitute:

Commissioner may require notification of vacancy, or class of vacancies, to be approved by Commissioner

- (2) The Commissioner may, by notice in writing, require an Agency Head to obtain the approval of the Commissioner before notifying a specified vacancy, or a specified class of vacancies, in the *Public Service Gazette*.

6 Subclause 2.9(3)

Omit “, with the agreement of the Commissioner,”.

7 Subclause 2.9(5)

Omit “(for example a heading followed by a link to multiple Agency notification)”.

8 Clause 2.9A

Repeal the clause.

9 Clause 2.10

Repeal the clause, substitute:

2.10 Additional requirements for SES engagement or promotion decisions

A selection process that results in a decision to engage or promote a person as an SES employee meets the requirements of this Division only if, in addition to the requirements in clause 2.8, the following apply:

- (a) the Commissioner, or a representative of the Commissioner, was a full participant in the selection process;
- (b) if a representative of the Commissioner participated in the selection process—the representative certified that the selection process complied with the Act and these Directions.

Note: Clause 2.9 requires the decision to be made within 12 months after the notification of the vacancy in the Public Service *Gazette* on which the selection process was based.

10 Subclause 2.15(1)

Omit “or 2.9A”.

11 Subclause 2.16(1)

Omit “or 2.9A”.

12 Subclause 2.17A(1)

Omit “or 2.9A”.

13 Clause 2.26

Repeal the clause.

14 At the end of Chapter 9

Add:

Part 9.2—Transitional provisions relating to the Australian Public Service Commissioner’s Amendment (2015 Measures No. 1) Direction 2015

9.4 Vacancies notified before 1 July 2015

The amendments made by items 1 to 8 and 10 to 12 of Schedule 1 to the *Australian Public Service Commissioner’s Amendment (2015 Measures No. 1) Direction 2015* do not apply in relation to the notification of a vacancy in an Agency if:

- (a) the notification occurred before 1 July 2015; and
- (b) the notification was in accordance with clause 2.9A of these Directions, as in force immediately before 1 July 2015; and
- (c) the Agency Head is satisfied that, in the circumstances, it is not appropriate to require the vacancy to be re-notified in accordance with clause 2.9 of these Directions.

9.5 Repeal of this Chapter

This Chapter is repealed on 1 July 2016.

Part 2—Other amendments

Australian Public Service Commissioner's Directions 2013

15 Chapter 1

Omit everything after the heading to Chapter 1 and before clause 1.1, substitute:

1.1A Overview

Application of the APS Values

The APS Values, and these Directions, set out standards and outcomes that are required of APS employees and Agency Heads, taking account of an individual's duties and responsibilities.

The APS Values can overlap, and actions can involve the application of more than one APS Value.

Each of the APS Values is of equal importance. There is no hierarchy of APS Values. There may be particular situations where there is tension between the different APS Values that are to be applied. In such cases, good judgment will need to be exercised to find the appropriate balance between competing demands.

16 Clauses 1.7 and 1.8

Repeal the clauses.

17 Chapter 2

Omit everything after the heading to Chapter 2 and before the heading to Part 2.1, substitute:

2.1A Overview

Part 2.1 of this Chapter determines the scope or application of APS Employment Principle 10A(1)(c) in circumstances relating to most promotions and most ongoing and long-term non-ongoing engagements. It defines the relevant terms and outlines the requirements of a merit-based competitive selection process, including the additional requirements for a selection process to fill a Senior Executive Service (SES) vacancy.

Part 2.2 of this Chapter provides directions on the minimum requirements Agency Heads must meet in relation to decisions for short-term engagements or promotions and in other circumstances where APS Employment Principle 10A(1)(c) is modified.

Part 2.3 of this Chapter provides directions relating to the ongoing or temporary assignment of duties under section 25 of the Act (other than as a result of promotion) and ongoing or temporary moves between Agencies under section 26 of the Act.

Part 2.4 of this Chapter provides directions relating to the gazettal of employment decisions and the dates of effect of promotions.

18 Part 2.1

Omit everything after the heading to Part 2.1 and before the heading to Division 1 of Part 2.1.

19 Clause 2.1 (note)

Repeal the note, substitute:

Note 1: Subsection 10A(2) of the Act provides for the circumstances in which a decision relating to engagement or promotion is based on merit.

Note 2: Part 2.2 provides modifications of, and exceptions to, the requirements in this Part for certain kinds of engagement and promotion decisions.

20 Part 2.2

Omit everything after the heading to Part 2.2 and before the heading to clause 2.11.

21 Clause 2.11

Before “Employment Principle”, insert “APS”.

22 Part 2.3

Omit everything after the heading to Part 2.3 and before the heading to clause 2.24.

23 Chapter 3

Repeal the Chapter.

24 Chapter 5

Repeal the Chapter.

25 Chapter 7

Omit everything after the heading to Chapter 7 and before the heading to clause 7.1.

26 Dictionary (paragraph (c) of the definition of *employment arrangement*)

Omit “subsections”, substitute “subsection”.

27 Dictionary (definition of *workplace diversity program*)

Repeal the definition.