



# **Public Service Amendment (2024 Measures No. 1) Regulations 2024**

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 24 October 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Katy Gallagher  
Minister for the Public Service

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## 1 Name

This instrument is the *Public Service Amendment (2024 Measures No. 1) Regulations 2024*.

## 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	The day after this instrument is registered.	26 October 2024

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Public Service Regulations 2023*

#### **1 Section 5 (after paragraph (e) of the note to the heading)**

Insert:

- (ea) former Agency Head;
- (eb) former APS employee;

#### **2 Division 1 of Part 5 (at the end of the heading)**

Add “or former Agency Head”.

#### **3 Before section 50**

Insert:

#### **50A Basic requirements for procedures for determining alleged breach of Code of Conduct by Agency Head or former Agency Head**

- (1) For the purposes of paragraph 41A(1A)(a) of the Act, this section prescribes basic procedural requirements that must be complied with by the Australian Public Service Commissioner’s written procedures for inquiring into and determining whether an Agency Head, or a former Agency Head, has breached the Code of Conduct.

Note: The Australian Public Service Commissioner may inquire into and determine whether an Agency Head, or a former Agency Head, has breached the Code of Conduct (see paragraph 41(2)(m) and section 41A of the Act).

- (2) The procedures must require the Australian Public Service Commissioner not to make a determination in relation to an alleged breach of the Code of Conduct by an Agency Head, or a former Agency Head, unless:
  - (a) the Australian Public Service Commissioner has taken reasonable steps to tell the Agency Head, or former Agency Head, the details of the suspected breach (including any variation of those details); and
  - (b) the Agency Head, or former Agency Head, has been given a reasonable opportunity to make a statement in relation to the alleged breach.
- (3) The procedures must require the process for determining whether an Agency Head, or a former Agency Head, has breached the Code of Conduct to be carried out as quickly and with as little formality as a proper consideration of the matter allows.
- (4) The procedures must require reasonable steps to be taken to ensure that any person authorised under the Australian Public Service Commissioner’s written procedures to determine whether an Agency Head, or a former Agency Head, has breached the Code of Conduct is, and appears to be, independent and unbiased.
- (5) The procedures must require a written record to be prepared stating whether it has been determined that the Agency Head, or former Agency Head, has breached the Code of Conduct.

#### **4 Subsection 51(1)**

After “an Agency Head”, insert “, or a former Agency Head,”.

**5 At the end of paragraph 51(2)(c)**

Add “, or former Agency Head”.

**6 Paragraph 51(2)(e)**

After “the Agency Head,”, insert “or former Agency Head,”.

**7 Paragraph 72(1)(b)**

Omit “employee’s former Agency Head”, substitute “Agency Head of the employee’s former Agency”.