



Public Service Act 1999

Prime Minister's direction under subsection 21(1)

Direction under subsection 21(1) of the *Public Service Act 1999* - granting of paid leave to APS employees who are members of a recognised volunteer service and are deploying as part of an emergency service response

I, Scott Morrison, Prime Minister of Australia, issue the following direction to Agency Heads in relation to the management of APS employees.

1. Subject to clauses 2 to 6, I direct that Agency Heads use all powers available to them, including the power under section 24 of the *Public Service Act 1999*, to ensure leave is granted (volunteer leave) on full pay to APS employees who are registered members of a recognised volunteer service and are deploying as part of an emergency service response (APS volunteer).
2. The minimum period of volunteer leave to be made available is 20 working days or 28 calendar days each year. Volunteer leave may also be used to cover reasonable travel and recovery requirements associated with deploying as part of an emergency services response.
3. The entitlement to leave shall arise on 1 January each year but the period of leave shall not accrue from year to year.
4. An Agency Head may refuse to grant leave to an APS volunteer only if, in the opinion of the Agency Head and with the agreement of the Australian Public Service Commissioner, granting the leave would significantly disrupt the provision of services to the Australian public.
5. Nothing in this direction prevents Agency Heads from providing additional leave beyond that specified above, including for emergency services training.

6. The Australian Public Service Commissioner will issue guidance for Agency Heads about the application of this direction.

Signed:



SCOTT MORRISON
PRIME MINISTER

24 DECEMBER 2019

EXPLANATORY STATEMENT

Subject— *Public Service Act 1999*

*Direction under subsection 21(1) of the Public Service Act 1999
- granting of paid leave to APS employees who are members of
a recognised volunteer service and are deploying as part of an
emergency service response*

The *Public Service Act 1999* ('PS Act') provides for the establishment and management of the Australian Public Service ('APS'). Subsection 21(1) of the PS Act provides that the Prime Minister may issue general directions in writing to Agency Heads relating to the management and leadership of APS employees.

The *Direction under subsection 21(1) of the Public Service Act 1999 - granting of paid leave to APS employees who are members of a recognised volunteer service and are deploying as part of an emergency service response* (the Direction) provides that Agency Heads must ensure leave is granted on full pay to APS employees who are registered members of a recognised volunteer services and are deploying as part of an emergency service response.

The Direction provides that the minimum period of volunteer leave to be made available is 20 working days or 28 calendar days each year. This leave may also be used to cover reasonable travel and recovery requirements associated with deploying as part of an emergency services response.

Agency Heads may only refuse volunteer leave if, in the opinion of the Agency Head and with the agreement of the Australian Public Service Commissioner, granting the leave would significantly disrupt the provision of services to the Australian public.

The PS Act does not specify any conditions that need to be satisfied before exercising the power to make the Direction. The Direction is a legislative instrument for the purposes of the *Legislation Act 2003*.

No Regulation Impact Statement is required for the measures contained in the Direction because there is no impact on business or the not for profit sector.

The Direction commences on 24 December 2019.

Authority: Subsection 21(1) of the *Public Service Act 1999*