



Australian Government
Australian Public Service Commission

2024-25 Additional Estimates

25 February 2025



APSC ADDITIONAL BUDGET ESTIMATES

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Minister Brief

Executive Brief

ESTIMATES BRIEF – Hot Issue**ROBODEBT**

Additional Estimates – Feb 2025

APS response to Robodebt Royal Commission**Subject/Issue**

The Government released its response to the report of the Royal Commission into the Robodebt Scheme on 13 November 2023 and accepted or accepted in principle all 56 of the Royal Commission's recommendations.

An independent centralised inquiry mechanism established in the Australian Public Service Commission to determine APS Code of Conduct breaches published its report on 13 September 2024.

Key facts and figures

- The Government carefully considered the report of the Royal Commission into the Robodebt Scheme, and accepted or accepted in principle all 56 of the Royal Commission's recommendations in a response published on 13 November 2023.
- The Australian Public Service Commission released the Centralised Code of Conduct Inquiry Taskforce Final Report into the Robodebt Scheme on 13 September 2024.
- The Australian Public Service Commissioner, Dr Gordon de Brouwer, has apologised to the Australian public for the role the public service played in the design and delivery of the Robodebt Scheme.

Key points

- The Royal Commission made findings in a confidential chapter of the report in relation to individuals involved in the Robodebt Scheme. The relevant chapter is subject to a Direction Not to Publish. This chapter was provided to appropriate authorities, including relevant Agency Heads, the APS Commissioner, and professional and disciplinary bodies to consider relevant investigations and potential sanctions.
 - The *Public Service Act 1999* empowers the APS Commissioner to conduct inquiries into alleged breaches of the APS Code of Conduct under Section 41(2)(m) and s41(2)(n).
 - The APS Commissioner received 16 referrals for further inquiry under his statutory inquiry powers.

- A centralised inquiry mechanism was established, following endorsement by Secretaries Board, to inquire into alleged breaches of the Code of Conduct arising from the Royal Commission. It was designed to be fair, independent, and consistent.
 - The Centralised Code of Conduct Inquiry Taskforce conducted inquiries in line with established processes, including the APS Commissioner's procedures, which are available on the APSC website.
 - The Centralised Code of Conduct Inquiry Taskforce Report and accompanying Statement of the APS Commissioner were published on 13 September 2024.
- The APS Commissioner received 16 referrals to the Centralised Code of Conduct Inquiry Taskforce, consisting of:
 - current APS employees named in the sealed section of the Royal Commission's Final Report;
 - former APS employees referred by their most recent Agency Head; and
 - former Agency Heads referred by the Minister for the Public Service following advice from the Secretary of the Department of the Prime Minister and Cabinet.
- The Inquiry found that 2 former Secretaries of the Department of Human Services breached the Code of Conduct on 25 occasions.
- 10 current and former public servants breached the Code on 72 occasions.
- The breaches include lack of care and diligence, lack of integrity in performing duties, and instances of misleading others and failing to uphold the APS Values.
- Of the 16, 4 individuals were found not to be in breach or their actions did not meet the necessary threshold at certain stages of the process.
- A number of respondents who were found to have breached the APS Code of Conduct resigned or retired from APS employment prior to, or during, these inquiries.
- Sanctions were recommended for 5 current public servants, including reprimands, fines and demotions.

- One of the individuals left the public service before the sanction could be imposed.
- The APS is working hard to better deliver for all Australians, build back trust and integrity and put people first.
- The APS Commissioner has apologised to the Australian public for the role the APS played in the design and delivery of the Scheme.
- It is not appropriate to discuss awards and honours of relevant individuals while they may still be subject to further decision-making in respect of other legal or investigation processes.

Further questions about the implementation of recommendations in the Royal Commission into the Robodebt Scheme Report should be directed to relevant lead Government agencies.

Questions about the joint taskforce supporting the Government's response to the Royal Commission's report should be directed to the Department of the Prime Minister and Cabinet.

Questions about the confidential chapter of the Robodebt Royal Commission's final report (i.e. the sealed section) should be directed to the Attorney-General's Department.

Questions about Australian honours and awards related to individual public servants, including decisions relating to the removal of Order of Australia and Public Service Medals, should be directed to the Office of the Official Secretary to the Governor-General.

Background

On 18 August 2022 the Governor-General His Excellency the Honourable David Hurley AC CVO DSC (Retd) issued Letters Patent, establishing the Royal Commission. Letters Patent set out the Royal Commission's terms of reference. The Royal Commission examined, among other things:

- The establishment, design and implementation of the Scheme; who was responsible for it; why they considered Robodebt necessary; and, any concerns raised regarding the legality and fairness;
- The handling of concerns raised about the scheme, including adverse decisions made by the Administrative Appeals Tribunal;
- The outcomes of the Scheme, including the harm to vulnerable individuals and the total financial cost to government; and
- Measures needed to prevent similar failures in public administration.

The Royal Commission's final report was provided to the Governor-General and publicly released on 7 July 2023. The report lists 56 recommendations and one closing observation.

A multi-agency taskforce jointly led by the Department of the Prime Minister and Cabinet, the Attorney-General's Department, and the Australian Public Service Commission developed advice to Government on the report and recommendations. The Department of Social Services, the Department of Finance, Services Australia, and the Australian Taxation Office also contributed officers to the Taskforce.

Additional funding is being provided to support implementation of the Government response including:

- \$22.1 million in new and additional funding over four years from 2023-24, and \$4.8 million each year ongoing, to support implementation of the Commissioner's recommendations;
- funding for the Commonwealth Ombudsman to boost its oversight of government agencies, including amendments to enabling legislation strengthening its powers to investigate and compel information;
- new funding to reinstate the Administrative Review Council to support better decision-making across government; and
- funding for Attorney-General's Department's Office of Legal Services Coordination and Office of Constitutional Law to improve how legal risk is identified and how legal advice is provided to Cabinet, and new funding to develop a legal framework to support automated decision-making in appropriate circumstances and in a manner that is consistent with the principles recommended by the Royal Commission.

This follows the announcement of an additional \$228 million in funding for Services Australia in 2023-24 to improve frontline service delivery and \$1 billion in additional funding for Services Australia since October 2022.

Questions in relation to these measures should be referred to the relevant agencies: Services Australia, the Department of Social Services, the Attorney-General's Department, and the Office of the Commonwealth Ombudsman.

As part of the response, the APSC has delivered and continues to progress work within its existing funding, and partnering with other relevant APS agencies to:

- build the capability and performance of the APS through whole-of service induction training through the APS Academy;
- strengthen the Australian Public Service Commissioner's own-motion and referred inquiry powers in the *Public Service Act 1999*; and
- develop additional standards guidance, including under the new APS Value of Stewardship for documenting important decisions and discussions, and deliver training on those standards.

The response aligns with the Government's commitment to put people back at the centre of the work of government and invest in better services for the Australian community.

APS Reform

The Government is continuing to implement a reform agenda to ensure, as the first of four priorities, that the APS embodies integrity in everything it does.

Minister Gallagher announced the second phase of APS Reform on 1 November 2023, which will include measures to strengthen integrity at the Secretary and agency head level, including own motion powers for the APS Commissioner to initiate inquiries into Code of Conduct breaches by current and former agency heads, including Secretaries – this is a specific recommendation of the Royal Commission report.

Centralised Code of Conduct Inquiry Mechanism

The Royal Commission's report made various findings about the conduct, roles and responsibilities of individual public servants involved in the Robodebt Scheme. The APSC separately oversaw an independent centralised inquiry mechanism to inquire into alleged breaches of the Code of Conduct by APS employees, former APS employees and Agency Heads arising from the Royal Commission. This process was established under the APS Commissioner's powers in the *Public Service Act 1999*. It was designed to be fair, independent, and consistent.

The mechanism was funded through an estimates variation of \$3.8 million in 2023-24 for the APSC to reflect the significant additional demand placed on this function of the APS Commissioner.

To maintain the robustness and consistency of this centralised mechanism, the APS Commissioner engaged two reviewers and delegated his powers to conduct inquiries and make determinations.

Mr Stephen Sedgwick AO, a former Public Service Commissioner, was appointed as an independent reviewer to make inquiries into possible breaches of the APS Code of Conduct by current and former APS employees.

Ms Penny Shakespeare, Deputy Secretary at the Department of Health and Aged Care, was appointed as a supplementary reviewer to make inquiries into the conduct of former Agency Heads.

Two Independent Sanctions Advisers, Ms Cheryl-anne Moy and Ms Elizabeth Kelly PSM, were appointed to make recommendations to the relevant Agency Head, if current APS employees were found to have breached the APS Code of Conduct.

As the inquiries progressed, some former Agency Heads submitted that they could not be investigated in the absence of an express legislative provision in the Public Service Act. On 13 August 2024 the Government announced its intention to amend the Public Service Act to clarify by way of express provisions that the conduct of former Agency Heads can be investigated by the Australian Public Service Commissioner.

On 26 August, the amendments to the Public Service Act received Royal Assent and inquiries into the conduct of former Agency Heads involved in the Robodebt Scheme were finalised.

Robodebt Royal Commission Confidential Chapter

On 7 November 2024 the Attorney-General, the Hon Mark Dreyfus KC MP announced that in the interests of transparency the Government proposes to publish the confidential chapter (the 'Sealed Section') of the Robodebt Royal Commission report at the first appropriate opportunity. The Government would do so on advice from the National Anti-Corruption Commission, pending its further decision-making.

National Anti-Corruption Commission referrals

Mr Geoffrey Nettle AC KC was appointed on 13 December 2024 to independently reconsider the National Anti-Corruption Commission's separate decision relating to referrals made to it by the Royal Commission. Mr Nettle will independently assess the referrals.

Supporting information

Questions on Notice

- Ref Q0064 - SQ24-000221: Centralised Code of Conduct Inquiry Taskforce Final Report - recommendation 23.8

Freedom of Information (FOI) Requests

- APSC FOI request LEX 521, for documents related to discussions at March 2023 Secretaries Board about the Robodebt Royal Commission. Response provided on 27 April 2023, releasing 4 documents.

- APSC FOI request LEX 607, for documents relating to referrals of individuals to the centralised inquiry mechanism. Response provided on 4 September 2023 neither confirming nor denying the existence of such documents.
- APSC FOI request LEX 608 for all documents and correspondence relating to the establishment of the centralised inquiry mechanism. Response provided on 29 August 2023 to practically refuse to process request, as the request was a substantial and unreasonable diversion of resources.
- APSC FOI request LEX1077, briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

Recent Ministerial Comments

- The Minister for Government Services, the Hon Bill Shorten MP, criticised former Secretary Kathryn Campbell for claiming she was “set up as the scapegoat” for the Robodebt Scheme.
 - “Ms Campbell says the attacks on her have been political. The reality is the attacks on 430,000 people using welfare were political. The politics wasn't against the Coalition government, it was by the Coalition government,” he said. “Robodebt was a shocking betrayal and failure of empathy towards vulnerable people who needed support from the government, and ... we've seen one of the key central actors in the tragedy of Robodebt, yet again ... fail to show empathy to the victims.”

Relevant Media Reporting

- There has been extensive media reporting on the Royal Commission, from its commencement in August 2022, during the hearings from September 2022 to March 2023, to the release of the report on 7 July 2023, and the establishment of the centralised inquiry mechanism on 7 July 2023.

Date Cleared: 01/02/2025
Cleared by (SES): Dr Rachel Bacon
Telephone No: s 47F
Group/Branch: Integrity, Performance & Employment Policy
Contact Officer: Kylie Barber
Telephone No: s 47F
Consultation: Nil
PDR Number: SB25-000020



ADDITIONAL ESTIMATES – FEB 2025

Royal Commission into Robodebt Scheme

KEY MESSAGES

- The Australian Public Service Commission released the Centralised Code of Conduct Inquiry Taskforce Final Report into the Robodebt Scheme on 13 September 2024.
- The Australian Public Service Commissioner, Dr Gordon de Brouwer, has apologised to the Australian public for the role the public service played in the design and delivery of the Robodebt Scheme.

FACTS AND FIGURES

- On 13 September 2024, the Australian Public Service Commission released the Centralised Code of Conduct Inquiry Taskforce Final Report into the Robodebt Scheme on 13 September 2024.
- The Report was accompanied by a Statement by the Public Service Commissioner.
- The APS Commissioner received 16 referrals to the Centralised Code of Conduct Inquiry Taskforce, consisting of:
 - current APS employees named in the sealed section of the Royal Commission's Final Report;
 - former APS employees referred by their most recent Agency Head; and
 - Former Agency Heads referred by the Minister for the Public Service following advice from the Secretary of the Department of the Prime Minister and Cabinet.
- The Inquiry found that 2 former Secretaries of the Department of Human Services breached the Code of Conduct on 25 occasions.
- 10 current and former public servants breached the Code on 72 occasions.
- The breaches include lack of care and diligence, lack of integrity in performing duties, and instances of misleading others and failing to uphold the APS Values.
- Of the 16, 4 individuals were found not to be in breach or their actions did not meet the necessary threshold at certain stages of the process.
- A number of respondents who were found to have breached the APS Code of Conduct resigned or retired from APS employment prior to, or during, these inquiries.



- Sanctions were recommended for five current public servants, including reprimands, fines and demotions.
- In accordance with the Public Service Act, sanctions were applied to current APS employees where a breach had been determined. A number of individuals received multiple sanctions to reflect the seriousness or the number of breaches. The imposed sanctions were:
 - Reduction in classification for one individual;
 - Reduction in salary for one individual;
 - Fines for one individual;
 - Reprimands for three individuals; and
 - Written warning for one individual.
- One public servant retired before the recommended sanction could be imposed.

QUESTIONS AND ANSWERS

Why did the Government wait until the Inquiries were almost complete before changing the law to make clear that former Agency Heads can be the subject of a Code inquiry? Was the APSC operating without legal authority prior to the legislative changes?

- A small number of former Agency Heads were referred by the Minister for the Public Service, on the basis of advice from the Secretary of the Department of the Prime Minister and Cabinet, Professor Glyn Davis, and the APSC, for inquiry into potential breaches of the Code of Conduct.
- As the inquiries progressed, some former Agency Heads submitted that they could not be investigated in the absence of an express legislative provision in the Public Service Act. On 13 August 2024 the Government announced its intention to amend the Public Service Act to clarify by way of express provisions that the conduct of former Agency Heads can be investigated by the Australian Public Service Commissioner.
- On 26 August, the amendments to the Public Service Act received Royal Assent and inquiries into the conduct of former Agency Heads involved in the Robodebt Scheme were finalised.
- As is usual practice, the APSC routinely sought legal advice about its inquiries and acted in accordance with that advice.



In the absence of widespread sanctions, will the APS have learned lessons from this experience?

- The Robodebt experience offers important lessons for all public servants and Government agencies.
 - See Taskforce Report released by the APSC on 13 September 2024.
 - In particular, the Report offers insights into leadership, accountability and ethical decision making that is relevant to the work of public servants at all levels:
 - Leadership matters – Through their words and their actions, leaders can build and sustain a workplace culture where employees feel supported and comfortable raising concerns and risks
 - Accountability cannot be delegated – occupying a position in the APS means that a public servant is accountable for their work and, in the case of leaders, the work of their team. Delegating functions is a constructive way to manage large teams and grow capability but delegating functions is not the same as delegating accountability.
 - Ethical decision making is not confined to the question of whether something is lawful or possible but also whether the decision represents sound and fair public policy. Is it the right thing to do?
- The number of individuals involved in the design and rollout of the Robodebt Scheme represents a small number of public servants.
- Public servants made mistakes. The APS has already taken action to ensure mistakes like Robodebt don't happen again. This includes
 - Increase in Integrity training for ALL Senior Executives and public servants
 - The SES Performance Framework has been changed to make clear that behaviour is equally as important as outcomes
 - Introducing stewardship at all levels from December so that public servants think about the longer term consequences of their actions
 - Lifting record keeping capability of all staff by, for example, publishing a new Record Keeping e-learning course on APS Learn on 1 May 2024; and
 - Implementing the recommendations of the 'Louder Than Words' report from the APS Integrity Taskforce to build a pro-integrity culture.



- The APS Commissioner and Secretaries Board are committed to building an APS that is honest and independent, that delivers frank and professional advice and is trusted by the Australian community.

Why did it take 14 months for the Report to be published?

- A centralised inquiry mechanism, the Centralised Code of Conduct Inquiry Taskforce, was established following the completion of the Royal Commission and tabling of the Commissioner's Final Report.
- The role of the Taskforce, established within the APSC, was to support the Independent Reviewers to inquire into suspected breaches of the APS Code by current and former APS employees and former Agency Heads, relating to the Robodebt Scheme.
- The Taskforce commenced operation on 7 July 2023 for (initially) a 12 month period. The process ultimately took 14 months.
- This time permitted careful and diligent, independent consideration of all material pertinent to the inquiry and allowed for procedural fairness in individual cases.
- The Report was completed on 5 September and published on 13 September. This allowed sufficient time for named individuals to be notified of the release of the Report before its publication in accordance with procedural fairness standards.



BACKGROUND

The Royal Commission's report made various findings about the conduct, roles and responsibilities of individual public servants involved in the Robodebt Scheme. The APSC separately oversaw an independent centralised inquiry mechanism to inquire into alleged breaches of the Code of Conduct by APS employees, former APS employees and Agency Heads arising from the Royal Commission. This process was established under the APS Commissioner's powers in the *Public Service Act 1999*. It was designed to be fair, independent, and consistent.

The mechanism was funded through an estimates variation of \$3.8 million in 2023-24 for the APSC to reflect the significant additional demand placed on this function of the APS Commissioner.

To maintain the robustness and consistency of this centralised mechanism, the APS Commissioner engaged two reviewers and delegated his powers to conduct inquiries and make determinations.

Mr Stephen Sedgwick AO, a former Public Service Commissioner, was appointed as an independent reviewer to make inquiries into possible breaches of the APS Code of Conduct by current and former APS employees.

Ms Penny Shakespeare, Deputy Secretary at the Department of Health and Aged Care, was appointed as a supplementary reviewer to make inquiries into the conduct of former Agency Heads.

Two Independent Sanctions Advisers, Ms Cheryl-anne Moy and Ms Elizabeth Kelly PSM, were appointed to make recommendations to the relevant Agency Head, if current APS employees were found to have breached the APS Code of Conduct.

MEDIA

There has been extensive media coverage following the release of the Report and Statement. Media coverage continues.

- [Top bureaucrat breached code of conduct 12 times during robo-debt](#) – Tom Burton – AFR
- [Calls for 'blinkered' robodebt officials to face music](#) – Kat Wong – AAP
- [Why former public servants aren't facing any real sanctions](#) – Dana Daniel and Miriam Webber – The Canberra Times
- ['I acted with integrity': Former secretary defends her record on robodebt](#) – Miriam Webber – The Canberra Times
- [Former secretaries disgraced in final APS robodebt inquiry taskforce report](#) – Melissa Coade – The Mandarin
- [Four key numbers from APSC's robodebt investigation](#) – Dan Holmes – The Mandarin
- [Final robo-debt probe to keep names unnamed – again](#) – Paul Sakkal – The Sydney Morning Herald
- [Human services officials breached code of conduct over robodebt, taskforce finds](#) – SBS News
- [Campbell and Leon named and found guilty in public service Robodebt inquiry](#) – Chris Johnson – Riotact



- [Not one person “punished” over Robodebt – Anthony Klan – The Klaxon](#)
- [ABC News Australia](#)
- [Sky News Australia](#)

OTHER RELEVANT MATERIAL

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

TIMELINE

Date	Action
13 September 2024	Release of Taskforce Report
3 August 2023	Announcement of 16 referrals by APSC
7 July 2023	Release of Royal Commission Report

CLEARANCE SUMMARY

Jamie Lowe Merit Protection Commissioner	Merit Protection Commission	Clearance date 13 January 2025	s 47F
Jamie Lowe			
Finance team quality assurance	N/A	Finance QA date N/A	
Consultation	Nil	Is content sensitive? ¹	No

ESTIMATES BRIEF – Hot Issue**APS INTEGRITY**

Additional Estimates – Feb 2025

APS Integrity**Subject/Issue**

The Government is committed to building an Australian Public Service that embodies integrity in everything it does.

Key facts and figures

- As part of the Government's APS Reform Agenda, the Australian Public Service Commission continues to partner with APS agencies to deliver practical initiatives that build and support a pro-integrity culture across the APS.
- In April 2024, the Commission finalised the *APSC Integrity Roadmap* bringing together a high-volume of integrity reform initiatives for delivery arising from the:
 - *Louder Than Words: An APS Integrity Action Plan*
 - Government response to the Royal Commission into the Robodebt Scheme, and
 - APS integrity reform package.
- On 21 June 2024, the Australian National Audit Office tabled in Parliament its performance audit report into the Commission's administration of its integrity and ethics functions, including four recommendations for the Commission.
- On 19 June 2024, the Joint Committee on Public Accounts and Audit reported on its inquiry into probity and ethics in the Australian public sector including 11 recommendations, three of which relate to the Commission.
 - On 20 December 2024 the Commission submitted its response to this report, agreeing in principle with all three recommendations.

Key points

APSC's functions to promote and uphold Integrity

- The APS Commissioner's statutory functions under the *Public Service Act 1999* Framework include the promotion of high standards of accountability, effectiveness, performance, integrity and conduct in the APS.
- The Commission does this through a broad range of programs, services and functions, including:
 - A suite of Integrity training courses delivered through the APS Academy,
 - Guidance and resources for agencies and APS employees to support public servants to embody and model integrity,
 - Matter-specific advice to agencies, leaders and individual APS employees to support ethical decision making through the Ethics Advisory Service and Employment Policy Advisory Service,
 - Exercising legislative powers to inquire into the conduct of Agency Heads, and APS employees or former employees, where referred,
 - Participating in and/or leading communities of practice to share information and resources and to build integrity capability across the service,
 - Strengthening integrity in recruitment practices through the provision of rules, guidance and advice on the application of the APS Employment Principles and the provision of a Commissioner's representative on SES selection panels,
 - The provision of induction and educational materials to ensure incoming Secretaries and Agency Heads are aware of their personal integrity obligations, and
 - Undertaking inquiries into alleged breaches of the Code of Conduct by current and former Agency Heads, and where requested by the Agency Head, current and former APS employees.

ANAO audit

- The Australian National Audit Office looked into the administration of the Commission's statutory integrity and ethics functions, as part of its 2023-24 performance audit work program.
- The final report found the Commission was partly effective in the implementation of its statutory integrity functions, being largely activity-driven and needing relevant strategies, linked to measurable outcomes, to guide its efforts.

- The Commission is now in the process of delivering against all four of the Auditor-General's recommendations relating to strategy development, evaluation and record keeping.

Integrity Reform

- The Government's APS Reform agenda includes a focus on building an APS that embodies integrity in everything it does.
- The Commission partners closely with key APS agencies including the Department of the Prime Minister and Cabinet, the Attorney-General's Department and the Department of Finance to deliver a range of integrity reform initiatives so that:
 - Public sector employees act with and champion integrity, and
 - Public service employees are stewards of the public service.
- Initiatives underway or completed across the APS and the broader public sector include:
 - legislative amendments to the *Public Service Act 1999* and reform of accompanying policy frameworks,
 - the development of a Commonwealth Integrity Strategy,
 - whistleblower protection reforms,
 - fraud and corruption prevention measures,
 - strengthening integrity in procurement and contract management through a Supplier Code of Conduct, and
 - establishment of the Independent Parliamentary Standards Commission.

APSC Inquiries

- In accordance with the Public Service Act, the Commission undertakes inquiries into alleged breaches of the Code of Conduct by current and former APS employees, and current and former Agency Heads.
- Consistent with the Commission's statutory information protection obligations, the Commission does not comment on individual Code of Conduct processes.
- Such commentary may lead to speculation about individuals, inadvertently undermine the integrity of the process, and adversely affect the wellbeing of individuals.

- This position is consistent with broader APS practice, which is to not publicly comment on conduct investigations, as they are confidential and sensitive in nature.
- Limited information about investigations being undertaken by the Commission is only provided in exceptional circumstances where the APS Commissioner is satisfied that it is in the public interest to do so, and any disclosure of personal information is fair and reasonable in all the circumstances.
- The *Public Service Amendment (No. 2) Act 2024* came into effect on 27 August 2024, and clarifies the APS Commissioner's power to inquire into, and make determinations about, alleged breaches of the APS Code of Conduct by former Agency Heads.

Further information about Public Service Act legislation changes is contained in SB25-000025.

Background

The Commission plays a central role in strengthening a pro-integrity culture for the APS.

Integrity Reform – Stage 2

Background on the Public Service Act legislation changes is contained in SB25-000025.

The second stage of APS Reform includes a range of initiatives to further bolster the integrity of the APS. This builds on the first stage of Reform and focuses on initiatives that will strengthen appointments and performance of senior APS executives, strengthen the powers of the APS Commissioner, extend the APS Values to other government entities, and further build pro-integrity culture and capability.

A 5-week public consultation process was conducted to help design and scope the Stage 2 APS Reform initiatives, involving the publication of an issues paper on the APS Reform website. A total of 82 submissions were received, from individuals, academic institutions and think tanks, organisations, employee representative bodies and across the public sector. Submissions were generally supportive of the initiatives

JCPAA

The Joint Committee on Public Accounts and Audit conducted an inquiry into probity and ethics in the Australian public sector between June 2023 and June 2024. The inquiry examined, in respect of five recent Auditor-General performance audit reports, whether there are systemic factors contributing to poor ethical behaviour in government agencies, and if there are opportunities to strengthen government integrity and accountability.

Report 502: The never-ending quest for the golden thread was published on 19 June 2024 and made 11 recommendations that key regulatory and policy agencies including the Commission and the Department of Finance, strengthen ethical leadership in the public sector through focusing on interrelated systemic measures in respect of Frameworks, Culture and Accountability.

Three recommendations are directed to the Commission's functions, which go to: further questions in the APS Employee Census on their perceptions of integrity in procurement, grants, regulatory actions; clearer guidance on the definition of culture, and metrics on building, measuring and assessing organisational culture as it applies to probity; and the Department of Finance and the Commission each developing an approach, including robust metrics, to provide reasonable assurance that the policy frameworks they administer are effective.

The Commission agreed in principle or with qualifications to three recommendations, and indicated in its response on 20 December 2024 the strategies and activities it was in the process of developing, with indicative timeframes in 2025.

Other recommendations were made exclusively to the Department of Finance, Department of Health and Aged Care and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

ANAO Performance Audit

The Australian National Audit Office conducted an audit into the administration of the Commission’s statutory integrity and ethics functions, between August 2023 and April 2024.

The audit criteria examined the Commission’s effectiveness, during the period July 2022 to December 2023 in promoting the APS Values and Code of Conduct, monitoring and evaluating agencies’ implementation of the APS Values and Code of Conduct, and contribution to the stewardship of the APS.

The Commission cooperated fully with the ANAO during the audit process, and agreed with all four recommendations.

Supporting information

Questions on Notice

- Q0073 - SQ24-000225 – ANAO report into the APSC’s Administration of Integrity Functions
- Q0071 - SQ24-000231 - Auditor General Report No. 43 of 2023-24 - APS Code of Conduct investigations
- Q0070 - SQ24-000230 - Auditor-General Report No 43 of 2023-24 - Stewardship
- Q0069 - SQ24-000229 - Auditor General Report No. 43 of 2023-24 - APS Values and Code of Conduct
- Q0068 - SQ24-000228 - Auditor General Report No. 43 of 2023-24 – forward engagement strategy
- Q0067 - SQ24-000227 - Auditor General Report No. 43 of 2023-24 – measurable outcomes
- Q0066 - SQ24-000226 - Auditor General Report No. 43 of 2023-24 – integrity functions

Freedom of Information (FOI) Requests

- FOI request (LEX 1172) - Keynote address ‘Women in Leadership summit’ 29 August 2024 - *The vital Importance of integrity for leaders in the public sector*. Response submitted 4 October 2024, and published on disclosure log.
- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024; and published on disclosure log.

Recent Ministerial Comments

- [Media release by Senator the Hon Katy Gallagher](#) on 13 August 2024 “Taking action to ensure Robodebt accountability”

Relevant Media Reporting

- [Commission's lack of imagination and ambition about fixing the APS](#) Paddy Gourley, The Canberra Times, 19 November 2024
- [ANAO audit reports show extent of APS integrity problems](#), Andrew Podger, The Mandarin, 31 July 2024
- [Shadow values that corrode trust, probity and ethics](#), Verona Burgess, The Mandarin, 19 July 2024
- [Mandarins told to end self-congratulation for bungled projects](#), Melissa Coade, the Mandarin, 28 June 2024
- [APSC didn't have a written integrity plan in 2024](#), Dan Homes, The Mandarin, 25 June 2024
- [Public Service Commission's integrity measures slammed in audit](#), Brittney Levinson, The Canberra Times, 22 June 2024

Date Cleared: 13/02/2025
Cleared by (SES): Dr Rachel Bacon, Deputy Commissioner
Telephone No: s 47F
Group/Branch: Integrity, Reform and Enabling Services
Contact Officer: Kylie Barber
Telephone No: s 47F
Consultation: APS Reform Branch – Program Management Office
PDR Number: SB25-000021



ADDITIONAL ESTIMATES – FEB 2025

Integrity Inquiries

KEY MESSAGES

- The Public Service Act empowers the APS Commissioner to undertake inquiries into alleged breaches of the APS Code of Conduct by current and former Agency Heads, and where requested by an Agency Head, current and former APS employees.
- It is not appropriate to comment on ongoing inquiries or to comment on the particulars of previous inquiries. Such commentary may impact on individuals' privacy, prejudice those processes or jeopardise outcomes, inadvertently undermine the effectiveness of future code inquiries, or potentially affect inquiries conducted by other integrity agencies.
- The *Public Service Amendment (No. 2) Act 2024*, which came into effect on 27 August 2024, clarifies the APS Commissioner's power to inquire into, and make determinations about, alleged breaches of the APS Code of Conduct by former Agency Heads.
- Procedures for conducting Code of Conduct inquiries under sections 41A and 41B of the Act have been made and published on the Commission's website as required by the PS Regulations.

FACTS AND FIGURES

2024 APS Agency Survey results

- In 2023-24, there were a total of 647 employees who were the subject of an investigations into a suspected breach of the Code of Conduct that was finalised, across 46 agencies.
 - This included 167 former employees.
 - 31 for sexual harassment (with 23 breaches found)
- 739 allegations of misconduct across 77 agencies were dealt with other than by Code of Conduct, such as performance management or counselling.
- 555 employees were found to have breached the Code of Conduct.
 - 356 received a sanction (264 reprimand; 167 fines; 70 reduction in salary; 61 termination; 10 re-assignment of duties; and 9 reduction in classification)
 - 90 employees resigned prior to the sanction decision
 - 109 employees did not receive a sanction for other reasons
- The most common reporting avenues were:
 - Compliance/monitoring system (378 employees)
 - Report to conduct or HR unit (195 employees)



QUESTIONS AND ANSWERS

How many ongoing inquiries is the Commission conducting?

- The Commission will not comment on ongoing inquiries, including the number of active matters.

Why won't the Commission comment on the details of its inquiries?

- The Commission does not comment on the details of its inquiries.
- The Public Service Act and the Privacy Act provide strict limitations on the use and disclosure of information relating to inquiries undertaken by the Commission.
- These limitations are in place to protect the privacy and wellbeing of individuals involved in inquiry processes and to protect the integrity of inquiry processes.
- Further, a Code of Conduct investigation is not a public civil or criminal investigation. Because it occurs within the APS employment relationship which is subject to both the Public Service Act and Privacy Act, there is an expectation, both at law and as the APS is a model employer, that investigations and related decision-making processes are conducted confidentially and constructively.
- This position regarding the disclosure of information is consistent with the practice of other integrity agencies, including the NACC, which is that it is not appropriate to publicly comment on conduct investigations, which are confidential and sensitive in nature.

Why did the Commission publicly comment on the outcome of the inquiries against Kathryn Campbell and Renée Leon (but not on other inquiries)?

- Section 72A of the Public Service Act prohibits public disclosure of information about matters relating to the exercise of the Commissioner's inquiry powers, but does provide an exception where the Commissioner is satisfied that it is in the public interest to do so and any disclosure of personal information is fair and reasonable in all the circumstances.
- This threshold was met in the context of the inquiries involving Ms Campbell and Ms Leon in which some limited information regarding the process and its outcome was publicly released.
- The public release of information in that context sought to balance the significant public interest in those matters with the need to protect the privacy of individuals and the integrity and effective operation of inquiry processes moving forward.
- For more information refer to SB25-000020 (Robodebt brief).



What stage are the current inquiries at?

- Consistent with the Commission's obligations under the Public Service Act and the Privacy Act, the Commission does not comment on individual Code of Conduct processes. This position is also consistent with the practice across the APS, which is that it is not appropriate to publicly comment on conduct investigations, which are confidential and sensitive in nature.
- Such commentary may lead to speculation about individuals, inadvertently undermine the integrity of the process, and adversely affect the wellbeing of individuals participating in processes.
- Limited details about investigations being undertaken by the Commission are only provided in exceptional circumstance and where the Commissioner is satisfied that it is in the public interest to do so and any disclosure of personal information is fair and reasonable in all the circumstances.

Has a specific matter been referred or is it the subject of an inquiry?

- It would not be appropriate to comment on whether specific matters have been referred to the Commission or are the subject of an inquiry.
- To comment publicly on whether or not specific matters have been referred or are under investigation may compromise current or potential investigations by the Commission, or another agency, as well as the right of individuals to impartial adjudication of particular matters.

Why was it necessary to amend the Public Service Act to specifically include a power to undertake inquiries into the conduct of former Agency Heads?

- In the course of the Robodebt Code of Conduct inquiries, some individuals claimed the APS Commissioner was unable to investigate or make determinations about the conduct of former Agency Heads due to the absence of express provisions in the Act. To ensure full accountability and avoid any ambiguity, the Government amended the Public Service Act to make absolutely clear that the APS Commissioner has the power to conduct investigations into, and make determinations about, Code of Conduct breaches by current and former Agency Heads.
- The Public Service Amendment (No. 2) Act 2024 received Royal Assent on 26 August 2024, and came into effect the following day.
- This legislation clarifies the APS Commissioner's power to inquire into, and make determinations about, alleged breaches of the APS Code of Conduct by current and former Agency Heads.
- The amendments meet community expectations and ensure current and former Agency Heads, as leaders of the public service, are accountable for their actions, in the same way as other APS employees.



INQUIRY PROCESSES

How does the Commission receive allegations or become aware of suspected misconduct?

- While not the only possible avenues, the Commission may receive reports or information from members of the public, current or former APS employees, or a formal request from an Agency Head, the relevant Minister, or the Prime Minister.

How does the Commissioner decide whether to undertake an inquiry or not?

- There are a range of matters that may inform the Commission's decision of whether or not to undertake a Code inquiry. Each matter is considered on a case by case basis.
- Where the concerns raised relate to an Agency Head, the Commission will assess the matter in accordance with the Public Service Act and the factors in section 51 of the Public Service Regulations, and decide whether an inquiry is justified in all the circumstances. Factors considered include, but are not limited to:
 - whether the allegation is vexatious, frivolous, misconceived, or lacking in substance;
 - whether sufficient detail about the allegation has been provided;
 - whether the allegation refers to specific decisions or actions by the Agency Head;
 - whether the allegation identifies conduct which, if proven, would constitute a breach of the Code of Conduct;
 - whether the allegation relates to a decision properly taken, or to policy properly adopted, by the Agency Head, with which the person making the allegation disagrees;
 - whether the cost of conducting an inquiry is justified in the circumstances.
- In relation to alleged misconduct by a current or former APS employee, the Commission may only commence an inquiry if it receives a "request" from the relevant Agency Head or the Prime Minister and the Commissioner considers it appropriate to conduct an inquiry (section 41B(1)).
 - If the Commission has not received a request, the Commission may make enquiries with the relevant agency to obtain further information and/or inform the agency of a matter if it is not aware.



- In relation to APS employees, the Commission will also consider whether or not it would be more appropriate for the employee's agency to undertake the inquiry.
- When considering the most appropriate response to information provided to the Commission about alleged misconduct (either by an agency head or APS employee), the Commission also has regard to the considerations and factors in its published guidance on handling misconduct: Handling Misconduct – A human resource manager's guide.
 - Relevant considerations include, but are not limited to: the seniority of the individual; their role and duties; the nature and extent of the alleged conduct; and the likelihood that their conduct could undermine public confidence in the APS.
 - The Commission will also consider whether other action, such as local management action (such as a formal warning or counselling), may be more appropriate in the circumstances.

Who conducts the Code of Conduct inquiries undertaken by the Commission?

- The Public Service Act makes provision for the appointment of independent investigators/reviewers to undertake inquiries (see section 40(4) of the Public Service Act).
- The Commission appoints independent and appropriately qualified investigators to assist the Commission by undertaking the investigation and producing a report.
- On some occasions, the Commission may also delegate a decision making role to a third party undertaking the inquiry. There are a range of reasons for this, but it is generally in circumstances where the person who is the subject of the inquiry holds a particularly senior position and/or there may be a conflict of interest in having the Commissioner retain the decision making role.

What is the average duration of a Code of Conduct inquiry?

- The duration of an inquiry depends on a range of factors and variables, such as the number of allegations, volume and complexity of the evidence, the number of witnesses needing to be interviewed, the number of submissions and any extensions of time that may be requested by the Respondent to provide their response to the allegations. As a result, it is not possible or productive to comment on the average length of an inquiry.



ANAO AUDIT – COMMUNITY HEALTH AND HOSPITALS PROGRAM

What is the Commission doing following the ANAO audit into grants administration by the Department of Health and Aged Care?

- It is publicly known from the Joint Committee of Public Accounts and Audit Hearing on 1 February 2024 that the Department of Health and Aged Care have referred matters relating to the findings of the audit into the Administration of the Community Health and Hospitals Program to the APS Commissioner for consideration in accordance with his statutory powers.
- It is not appropriate to comment on any referrals. To do so may compromise current or potential processes undertaken by the Commission, or another agency, as well as the right of individuals to impartial adjudication of particular matters.
- Commenting publicly may also impact individuals' privacy or unduly prejudice their reputation.

APVMA INQUIRY

Why has the APVMA matter not yet been resolved?

- It is publicly known that the Commission has conducted inquiries into senior employees at the Australian Pesticides and Veterinary Medicines Authority, but individuals have not been named.
- It is not appropriate for the Commission to comment on individual inquiries.
- Such commentary may disclose sensitive personal information, prejudice investigative processes, jeopardise outcomes, and inadvertently undermine the effectiveness of future code inquiries.



BACKGROUND

Inquiry powers

Section 14 of the PS Act stipulates that the APS Code of Conduct applies to Agency Heads, including Secretaries.

Section 41A of the PS Act empowers the APS Commissioner to conduct an inquiry into an alleged breach of the APS Code of Conduct by an Agency Head or former Agency Head. A report on the results of the inquiry (including, if relevant, recommendations for sanction), must be provided to:

- For a Secretary - the Prime Minister
- For an Agency Head of an Executive Agency – the Agency Minister

Section 59 of the PS Act empowers the Governor-General to terminate the appointment of a Secretary on the recommendation of the Prime Minister. The Secretary of PM&C must provide a report to the Prime Minister on the proposed termination beforehand, and in doing so, must consult with the APS Commissioner.

Section 41B of the PS Act empowers the APS Commissioner to conduct an inquiry into an alleged breach of the APS Code of Conduct by a current or former APS employee where the Agency Head or the Prime Minister requests the Commissioner do so, and the Commissioner considers it would be appropriate to do so.

Department of Health and Aged Care Referrals

It is publicly known from the JCPCAA Committee Hearing on 1 February 2024 that the Department of Health and Aged Care have referred matters relating to the audit into the Administration of the Community Health and Hospitals Program to the APS Commissioner for consideration in accordance with his statutory powers.

The concerns raised relate to alleged inappropriate administration of grants in respect of the Health-led Community Health and Hospitals Program.

APVMA Inquiries

It is publicly known that the APSC conducted inquiries into senior employees at the Australian Pesticides and Veterinary Medicines Authority, but individuals have not been named.

Independent reviewer Mary Brennan was commissioned by the Minister for Agriculture, Fisheries and Forestry, Senator the Hon Murray Watt, in November 2022 to investigate APVMA's workplace culture, following allegations raised at November 2022 Senate Estimates that a senior manager was allegedly involved in an 'urination incident' involving a co-worker, and that other incidents of sexual harassment may have occurred at the agency, indicating poor workplace culture.



Ms Brennan delivered interim findings to Minister Watt on 8 February 2023, and Minister Watt referred allegations of suspected breaches of the APS Code of Conduct arising from these findings to the APS Commissioner. The APVMA Board also commissioned Clayton Utz to undertake a separate strategic review into the agency's performance and governance.

The Chief Executive Officer, Ms Lisa Croft and the Board Chair, Dr Carmel Hillyard, have both resigned their APVMA positions.

Minister Watt also commissioned an evaluation of the APVMA's structure and governance, conducted by eminent former public servant Mr Ken Matthews AO.

MEDIA

- 28/11/2024 – The Canberra Times – [The government departments with the worst rates of bullying](#), Home Affairs had the highest rates of bullying or harassment for second year in a row. Services, DFAT and DVA have next highest rates.
- **13/08/2024** - [Media release by Senator the Hon Katy Gallagher](#) on 13 August 2024 "Taking action to ensure Robodebt accountability"

APVMA

- **3 October 2023** - Minister Watt Media Release – <https://minister.agriculture.gov.au/Watt/media-releases/statement-on-apvma-independent-evaluation>
- **6 November 2023** – The Canberra Times: [Public Eye: The APVMA's cultural review uncovered \(no, not that one\). \(Paywall-free copy here\).](#)
- **17 April 2024** – ABC News: [APVMA to stay in Armidale despite recommendation it return to Canberra - ABC News.](#)

OTHER RELEVANT MATERIAL

- **FOI Request (LEX1148)** – Request for documents relating to Mr P. Response submitted on 15 November 2024.
- **FOI Request (LEX1207)** – Request for documents relating to an APVMA employee. Response submitted on 1 November 2024.
- **FOI Request (LEX1225)** – Request for documents relating to number of Code of Conduct inquiries relating to conflict of interest. Response submitted on 30 October 2024.
- **FOI request (LEX1077)** - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.



TIMELINE - Nil

CLEARANCE SUMMARY

Kylie Barber Assistant Commissioner	Integrity, Performance and Employment Policy	Clearance date 31/01/2025	s 47F s 47F
s 47F Director	Integrity Investigations and Conduct	s 47F	
Consultation	Nil	Is content sensitive? ¹	Choose answer

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

APSC Response to External Integrity Reports

KEY MESSAGES

- The Commission is delivering on agreed recommendations from both the Australian National Audit Office and the Joint Committee on Public Accounts and Audit, on the promotion, evaluation and assurance of its statutory obligations.
- It is doing this through a project to strategically enhance its central role in upholding and fostering a pro-integrity culture in the APS through strengthening its ownership and support of the employment and integrity frameworks under the *Public Service Act 1999*.

FACTS AND FIGURES

- On 21 June 2024, the Australian National Audit Office tabled in Parliament its performance audit report into the Commission's administration of its integrity and ethics functions, including four recommendations for the Commission.
- On 19 June 2024, the Joint Committee on Public Accounts and Audit reported on its inquiry into probity and ethics in the Australian public sector ([Report 502](#)), including three recommendations for the Commission.
 - On 20 December 2024 the Commission submitted its response to this report, agreeing in principle with all three recommendations.

QUESTIONS AND ANSWERS

What is the Commission's response to the ANAO performance audit of its integrity functions?

- The audit was part of the ANAO's Annual Audit Work Program for 2023-24, with the objective to assess the effectiveness of the Commission's administration of its statutory integrity functions.
- The audit criteria examined the Commission's effectiveness promoting the APS Values and Code of Conduct, monitoring and evaluating agencies' implementation of the APS Values and Code of Conduct, and contribution to the stewardship of the APS during the period July 2022 to December 2023.
- The ANAO found the Commission was partly effective in the implementation of its statutory integrity functions, being largely activity-driven and needing relevant strategies, linked to measurable outcomes, to guide its efforts.



- The Commission agreed to all four of the Auditor-General's recommendations relating to strategy development, evaluation and record keeping.
- Prior to receiving the audit report, the Commission had already progressed work to strengthen its strategy and evaluation approach through the *APSC Integrity Roadmap*, in order to better demonstrate how it discharges its integrity-related functions under the *Public Service Act 1999*, including to promote the APS Values and Code of Conduct.
- Since receiving the audit report, the Commission has established a new work program to strengthen the administration of the APS employment and integrity frameworks.
- This program of work will address Recommendations 1, 2 and 4 of the ANAO's recommendations, as well as Recommendation 6 of the JCPAA Report 502 (*The never-ending quest for the golden thread*).
- The program will ensure the Commission is:
 - clearly outlining the Commission's approach to administering the APS employment and integrity frameworks
 - providing accessible guidance to agencies on operating in a principles based framework
 - promoting its role as a framework owner and the components of the frameworks (the *Public Service Act 1999* and delegated legislation, policies and guidance), and
 - assuring mandatory obligations under the frameworks are being met.
- As part of this work, a range of initiatives are underway including:
 - consultation with key stakeholders, including through a collaboration and co-design workshop in December 2024, in line with best practice framework design principles
 - considering how the Commission can better harness its data holdings and information gathering powers, through strategic partnerships with other government agencies as appropriate, and
 - improving its external communications, including through the Commission's website.
- The Commission will use the insights obtained from this work to better understand its risks, identify opportunities and priorities, and inform its activities.
- An implementation plan is being developed as part of the program to continuously improve the administration of the frameworks through the work of the Commission. It focuses on the following key elements:



- to promote the APS Values, the APS Employment Principles and the Code of Conduct
- to monitor and evaluate the extent to which Agencies incorporate and uphold the APS Values and the APS Employment Principles, and
- to provide assurance about the state of the system across the APS.
- Recommendation three of the ANAO report, in relation to record keeping arrangements for governance committees, has been addressed.
 - New processes have been put in place for the Commission's Executive Board and its sub-committees. This includes having an agenda circulated prior to the meeting, including any relevant papers, as well as minutes being taken and circulated to members after the meeting to confirm outcomes and actions. These documents are stored in the Commission's electronic document and records management system.

Further questions on records management to be referred to Enabling Services.

Does the ANAO's findings and the JCPAA's recommendations suggest the Commission is failing to uphold its statutory functions?

- No. The ANAO report acknowledged the range of ongoing business activities delivered by the Commission as part of its commitment to partner with secretaries in the stewardship of the APS. The ANAO recommendations speak to having an overarching document to articulate how the breadth of activities already being performed align under a strategy.
- As noted in the Commission's responses to the ANAO report and JCPAA [Report 502](#), the Commission is committed to transparently demonstrating delivery against our statutory functions, influence and impact in relation to our purpose and activities, and accountability and assurance to our key stakeholders.
- The Commission agreed to all four of the Auditor-General's recommendations relating to strategy development—including strategic promotion of the APS Values and Code of Conduct, evaluation and record keeping.
- The ANAO audit was conducted at a time of transition for the Commission. During the audit period (July 2022 to December 2023) there were significant changes in the Commission's operating environment, including an increased demand for the application of the APS Commissioner's statutory inquiry powers. In this period there was also a change in Commissioner and in senior staff.
- Since 2023, the Commission has been actively strengthening how it fulfils its overarching statutory role, meets its requirements under the PS Act, and best



supports APS agencies and employees to fulfil their own integrity, ethical and stewardship obligations.

- Although developed during the audit period but not considered by the ANAO in its findings, the Commission now centrally oversees, through the *APSC Integrity Roadmap*, the implementation across the APS of recommendations and initiatives arising from both the integrity package of the Government's APS Reform Agenda and *Louder than Words: An APS Integrity Action Plan*.
- Under the Roadmap, the Commission is itself delivering 45 specific initiatives either by leading exclusively or in partnership, including measures agreed to under the Government's response to the report of the Royal Commission into the Robodebt Scheme.
- Following the APSC's Capability Review of July 2023 the Commission has taken a considered and staged approach to enhancing our corporate and program structures in relation to governance, risk management and performance measurement. These are reflected in the 2024-28 Corporate Plan. This Plan articulates the Commission's purpose as stewards of the APS.
- In December 2023 the APSC's Stewardship function was expanded further with the transfer of the APS Reform function into the Commission. The purpose of the APS Reform function is to steward and oversee improvements to the APS. This program of reform is shaped and delivered through extensive stakeholder engagement and consultation, and systematic reporting on progress to ensure transparency and accountability.
- The Commission is also leveraging its central policy role by partnering with key APS agencies, led by the Attorney-General's Department, to develop an Integrity Strategy for the APS in the context of the wider Commonwealth public sector integrity system. A related program of work through this partnership is a pilot Integrity Data Framework, to harness existing sources of integrity data and information to improve monitoring and measurement of integrity across the Commonwealth.

Information on JCPAA Report 504, including Gifts & Benefits - see SB25-000006.



BACKGROUND

JCPAA

The JCPAA conducted an inquiry into probity and ethics in the Australian public sector between June 2023 and June 2024.

The inquiry examined, in respect of five recent Auditor-General performance audit reports, whether there are systemic factors contributing to poor ethical behaviour in government agencies, and if there are opportunities to strengthen government integrity and accountability.

The Commission supported this inquiry by providing a submission, appearing at a public hearing on 20 November 2023 and 12 March 2024, highlighting integrity work underway and providing responses to Questions on Notice.

The JCPAA report of 19 June 2024 (*Report 502: The never-ending quest for the golden thread*) made 11 recommendations that key regulatory and policy agencies including the Commission and the Department of Finance, strengthen ethical leadership in the public sector through focussing on interrelated systemic measures in respect of Frameworks, Culture and Accountability.

The Commission agreed in principle or with qualifications to all three recommendations, and indicated in its response on 20 December 2024.

The Commission's responses to each recommendation are as follows:

Recommendation 3 – *“The APS Employee Census be augmented with questions asking officers of their level of confidence that agencies’ assessments, advice and decisions on issues such as procurement, grants, regulatory actions, and so on, comply with both the letter and intent of legislative and regulatory frameworks.”*

- The Commission currently includes a number of integrity-related questions in the annual APS Employee Census. The purpose of the Employee Census is to collect high-level information about APS employee opinions, experiences and perceptions on a range of topics related to their employment, including engagement, wellbeing, and leadership. A number of questions relate to the APS Code of Conduct such as discrimination, bullying and harassment, and corruption. In collaboration with the Capability and Workforce Committee Taskforce, the Commission plans to include additional measures of integrity in the Employee Census but considers more granular data about the integrity performance, compliance and assurance of APS agencies is better gathered through other means than the Employee Census, and not exclusively by the Commission.
- The APS Agency Survey also collects functional integrity data and workforce metrics from APS agencies. The Commission uses data from both the Employee Census and



the Agency Survey, and other information sources, to inform the exercise of its statutory evaluation and promotion functions with regard to the APS Values, Code of Conduct and Employment Principles. However, the Commission's remit does not extend to evaluation of APS agency compliance with other legislative frameworks, including the *Public Governance Performance and Accountability Act 2013* framework, and it also does not cover non-APS Commonwealth agencies.

- The Commission will explore the best approach to working with APS agencies to gather meaningful information about compliance with other legislative frameworks and other ethical and probity obligations outside the Public Service Act framework. This will be done through existing or targeted insights mechanisms, including the pilot Integrity Data Framework project as part of the broader APS Integrity Strategy (outlined further in response to Recommendation 4) and via partnerships with key integrity agencies with full Commonwealth public sector oversight, such as the National Anti-Corruption Commission, to consider the best approach to gathering and harnessing data to effectively measure employee perceptions of integrity risks, in their agencies and across the public sector, and promote a pro-integrity culture.

Recommendation 4 – *“The Commission develops clearer guidance for entities that contains a definition of culture, and metrics on building, measuring and assessing organisational culture as it applies to probity. Metrics for culture must be capable of providing insights and assurance of the extent to which officers are in fact behaving in a way that is right and proper, and according to the letter and the intent of the law.”*

- The Commission is partnering with key APS agencies, led by the Attorney-General's Department, to develop an Integrity Strategy for the APS in the context of the wider Commonwealth public sector integrity system.
- This initiative, which is aimed at addressing recommendation 11 of *Louder than Words: An APS Integrity Action Plan*, and is part of Australia's commitments under the *Open Government Partnership Action Plan 2023-25* will:
 - articulate a coherent public narrative for the range of integrity initiatives underway across the Commonwealth,
 - improve coordination and information sharing between entities, particularly integrity agencies, and
 - harness existing sources of integrity data and information to improve monitoring and measurement of integrity across the Commonwealth, through a pilot Integrity Data Framework.
 - This work is occurring in parallel with the efforts of Secretaries in response to recommendation 12 of *Louder than Words* to undertake self-assessments against the Commonwealth Integrity Maturity Framework, upscale their



departments' integrity maturity and performance indicators, support portfolio agencies to do the same, and champion integrity culture within their departments and portfolios, and

- The Commission's Strengthening Employment and Integrity Frameworks project, outlined further in response to Recommendation 6 below, which is designed to strategically enhance the Commission's approach to providing robust guidance and support to agencies and APS employees on building and upholding a pro-integrity culture.

***Recommendation 6** - The Department of Finance and the Australian Public Service Commission each develop an approach, including robust metrics, to provide reasonable assurance that the policy frameworks they administer are effective.*

- The Commission has initiated a major project to consider how it administers and delivers the APS Commissioner's functions under the *Public Service Act 1999* through the APS integrity and employment frameworks.
- The Strengthening Employment and Integrity Frameworks project will lead the development of a cohesive, strategy-led approach to the Commission's activities in promoting and assuring how APS agencies implement and uphold these frameworks. The project is exploring possible strategies or work programs focused around capability, assurance and evaluation, and consulting across the APS to guide the Commission's engagement with APS agencies as well as its internal way of working.
- The broader objective of the project is to deliver a unified and enduring approach to the Commission's stewardship of the APS integrity and employment frameworks, to ensure the Commission fulfils its statutory responsibilities under the PS Act and achieves the best possible outcomes as framework owners.

MEDIA

ANAO report

- 25/06/2024, The Mandarin, [APSC didn't have a written integrity plan in 2024](#)
- 22/06/2024, The Canberra Times, [Public Service Commission's integrity measures slammed in audit](#)

JCPAA

- 31/07/2024, The Mandarin, [ANAO audit reports show extent of APS integrity problems](#)
- 28/06/2024, The Mandarin, [Mandarins told to end self-congratulation for bungled projects](#)



JCPAA Questions on Notice

- IQ24- 000001 – Secretaries performance
- IQ24- 000002 – APS performance
- IQ24- 000003 – Integrity Frameworks
- IQ24- 000004 – Accountability
- IQ24- 000005 – Integrity Metrics
- IQ24- 000006 – Stewardship
- IQ24- 000007 – Integrity Culture

OTHER RELEVANT MATERIAL

Senate Estimates Questions on Notice

- Q0073 - SQ24-000225 – ANAO report into the APSC's Administration of Integrity Functions
- Q0071 - SQ24-000231 - Auditor General Report No. 43 of 2023-24 - APS Code of Conduct investigations
- Q0070 - SQ24-000230 - Auditor-General Report No 43 of 2023-24 - Stewardship
- Q0069 - SQ24-000229 - Auditor General Report No. 43 of 2023-24 - APS Values and Code of Conduct
- Q0068 - SQ24-000228 - Auditor General Report No. 43 of 2023-24 – forward engagement strategy
- Q0067 - SQ24-000227 - Auditor General Report No. 43 of 2023-24 – measurable outcomes
- Q0066 - SQ24-000226 - Auditor General Report No. 43 of 2023-24 – integrity functions

CLEARANCE SUMMARY

Kylie Barber Assistant Commissioner	Integrity, Performance and Employment Policy	Clearance date 6 February 2024	s 47F
s 47F	Integrity and Ethics	s 47F	
Finance team quality assurance	N/A	Finance QA date	
Consultation	Strengthening Frameworks Project Team; Enabling Services	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

APSC Role in Integrity System

KEY MESSAGES

- The Commission plays a central role in strengthening a pro-integrity culture for the APS.
- As a key agency within the APS integrity system the Commission's statutory functions under the *Public Service Act 1999* include promoting high standards of accountability, effectiveness, performance, integrity and conduct in the APS and evaluating APS agencies' implementation of those standards.
- The Commission partners with Secretaries and other Commonwealth integrity agencies in the stewardship of the APS and the Commonwealth public sector.

FACTS AND FIGURES

- In May 2024, the Commission finalised the APSC Integrity Roadmap.
- The Roadmap brings together a high volume of integrity reform initiatives, arising from the:
 - *Louder Than Words: An APS Integrity Action Plan*
 - Government response to the Royal Commission into the Robodebt Scheme,
 - Public Sector Reform integrity package, and
 - recommendations of the Australian National Audit Office's 2024 performance audit of the APSC's Administration of its Integrity Functions.
- The timeframe to deliver initiatives set out in the Roadmap spans between 3 and 24 months, with a number of initiatives already in progress.
- The APSC has an ongoing lead role in coordinating twice-yearly reporting of implementation of *Louder than Words* recommendations to the Chief Operating Officers Committee until all actions are completed.

QUESTIONS AND ANSWERS

What is the Australian Public Service Commission doing to support integrity in the APS?

- As a key agency within the APS integrity system one of the Commission's statutory functions under the *Public Service Act 1999* is to uphold high standards of integrity and conduct in the APS.



- This is delivered through a broad range of programs and services, including:
 - a suite of online and face to face integrity training courses and programs delivered through the APS Academy
 - guidance and resources for agencies and APS employees to support public servants to embody and model integrity
 - matter-specific advice to agencies, leaders and individual APS employees to support ethical decision-making through the Ethics Advisory Service and Employment Policy Advisory Service
 - exercising investigative powers into the conduct of agency heads, and APS employees or former employees, where referred
 - Participating in and/or leading a range of engagement forums across the APS designed to share information and uplift integrity capability across the service (e.g. Ethics Contact Officer Network, Code of Conduct Cross-Agency Forum)
 - The provision of induction and educational materials to ensure incoming Secretaries and Agency Heads are aware of their personal integrity obligations, the importance of their roles as leaders and stewards of the Service, and the important role their SES leadership teams play in this regard
 - Strengthening integrity in recruitment practices through the provision of rules, guidance and advice on the application of the APS Employment Principles and through the provision of a Commissioner's Representative on all SES selection panels including:
 - ensuring potential Commissioner's Representatives are clear on their role and the Commissioner's expectations through the development of guidance and presentations, and
 - delivery of a presentation to recruitment providers to share information on the employment framework and the importance of integrity in recruitment
 - The APS Commissioner also works in close partnership to steward the APS and Commonwealth public sector:
 - with Secretaries, through Secretaries Board and
 - with Commonwealth integrity agency heads, through his chairmanship of the Integrity Agencies Group.



For further information about guidance and advice on Conflict of Interest management see Brief 9 / SB25-000038, and on Gifts and Benefits see Brief 10 / SB25-000006.

What is the Commission doing to address incidents of inappropriate behaviour in APS agencies?

- As accountable authorities, Agency Heads, including Secretaries, are responsible for upholding the APS Values and ensuring adherence to the Code of Conduct in their agencies.
- The Commission supports APS agencies to uphold the Code of Conduct through:
 - the provision of resources and guidance material to inform Code of Conduct inquiry processes
 - the requirement for Agencies to consult with the Commission where Code of Conduct inquiries pertain to an SES level employee
 - building APS capability and the sharing of information via communities of practice and practitioner engagement forums (e.g. the Cross Agency Code of Conduct practitioner forum and Ethics Officer Network forum).

How is integrity in the service currently measured?

- There are a number of key reporting requirements that apply broadly to agencies, for example, the APS employee census and APS annual agency survey which are managed by the Commission, the Australian Institute of Criminology's annual fraud census, and annual reporting to agency portfolio ministers and the Department of Home Affairs under the Protective Security Policy Framework.
- The Commonwealth Integrity Maturity Framework, promoted by the National Anti-Corruption Commission, provides a common standard for entities and supports them to assess the effectiveness and maturity of their integrity frameworks.
- Specific measures that are most appropriate in each agency will be affected by the operational context and risk profile of each entity. That context will also affect the way in which measures are implemented (e.g. whether the agency is operational, policy or regulatory will influence its potential risk profile, as may the geographic footprint of the entity, the volume and nature of procurement or grants administration, etc.).
- The APSC has worked collaboratively with the NACC on APS integrity data collection and analysis. In consultation with APS agencies, relevant results from the APS Employee Census have been shared with the NACC. The APSC has also supported the NACC to develop and deploy their Commonwealth Integrity Survey by sharing our expertise on APS-wide survey design and implementation.



BACKGROUND

Louder Than Words: An APS Integrity Action Plan

The APS Integrity Taskforce was established by the Secretaries Board in February 2023 and stood up within PM&C in March 2023.

The Taskforce was asked to provide advice on ensuring the APS is focused on delivering a pro-integrity culture at all levels of the service and to bring together information about initiatives underway across agencies, consider how they intersect, and identify gaps and opportunities to deliver system wide integrity improvements.

The final report and Integrity Good Practice Guide as endorsed by Secretaries Board was published on the PM&C website on 17 November 2023.

Finding of the Taskforce

The Taskforce found opportunities for improvement and made recommendations across the areas of culture, systems accountability, with an emphasis on the importance of the APS leadership in promoting a pro-integrity culture.

In particular, the Taskforce considered:

- The APS has strong conduct and financial probity frameworks that need to be understood and enforced, but leadership and communications also impact ethical culture.
- Leaders need skills, behaviours and communication skills to build trust and respect and provide the psychological safety necessary for staff to raise issues.
- There are varying levels of integrity maturity across Commonwealth agencies and more guidance and support is needed to implement the array of applicable integrity obligations.

The 15 recommendations in the action plan reflect themes of culture, systems and accountability.

They include measures to improve frameworks to recruit and recognise people whose behaviour is consistent with the public service values, as well as to help ensure probity and legality across APS practices and government policies, programs and services.

Implementation status and reporting

Responsibility for implementing recommendations and action items rests with agencies who have responsibility for the relevant matters and some items are being progressed by all secretaries and departments.

Secretaries Board discussed implementation progress in mid-2024 and noted that the APSC has an ongoing lead role in coordinating the reporting of implementation of the



recommendations to the Chief Operating Officers Committee on a twice-yearly basis until all actions in the action plan are completed.

The Chief Operating Officers' Committee received the first twice-yearly report on the status of all applicable recommendations on 27 November 2024.

MEDIA

- 19/07/2024, The Mandarin, [Shadow values that corrode trust, probity and ethics](#)

CLEARANCE SUMMARY

Kylie Barber Assistant Commissioner	Integrity, Performance and Employment Policy	Clearance date 30 January 2024	s 47F
s 47F	Integrity and Ethics	s 47F	
Consultation	APS Reform Branch – Program Management Office	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

Integrity Reform

KEY MESSAGES

- Trust in the APS is built on high standards of integrity and professionalism.
- As part of the Government's APS Reform Agenda, the Australian Public Service Commission continues to partner with APS agencies to deliver practical initiatives that build and support a pro-integrity culture across the APS.

FACTS AND FIGURES

- The Government's APS Reform agenda includes focus on building an APS that embodies integrity in everything it does.
- The Australian Public Service Commission partners closely with key APS agencies including the Department of the Prime Minister and Cabinet, the Attorney-General's Department and the Department of Finance to deliver a range of integrity reform initiatives so that:
 - public sector employees act with and champion integrity
 - public service employees are stewards of the public service.
- On 5 December 2024, Senator the Hon Katy Gallagher, Minister for the Public Service, delivered her Annual Statement on APS Reform and the Commission published the second APS Reform Progress Report, showing 7 of the 18 APS Reform integrity initiatives are complete, with the remainder in progress.
- The second stage of APS Reform (started November 2023) continues the work to bolster public service integrity through initiatives that will:
 - strengthen appointments and performance of secretaries of Commonwealth Government departments, agency heads and the APS Commissioner
 - strengthen the powers of the APS Commissioner
 - extend the APS values to other government entities
 - further build pro-integrity culture and capability.
- From 2 October to 6 November (5 weeks), the Commission conducted public consultation, complimented with an issues paper, on the APS Reform stage 2 integrity initiatives. A total of 82 submissions were received, from individuals, academic institutions and think tanks, organisations, employee representative bodies and across the public sector. Submissions were generally supportive of the initiatives.



QUESTIONS AND ANSWERS

Why was the public consultation process only open for a short period of time?

- The timeframe was considered appropriate to allow for people to become aware of the process and prepare a submission, while ensuring we have sufficient time to undertake analysis and ascertain next steps.
- This timeframe is longer than previous processes, responding to feedback received by the Commission on the benefits of having a longer amount of time within which submission can be made on APS Reform initiatives.

How many people and organisations did the APS Commissioner invite to make a submission to the stage 2 integrity public consultation process?

- 38.
- 14 of those invited made a submission.

Who made submissions?

- 26 from PGPA Act entities (i.e., entities that engage staff under legislation other than the Public Service Act).
- The remaining submissions came from a mix of APS agencies, organisations (including academic institutions, unions and others) and individuals.
- The Commission also met with the NZ Public Service Commission to discuss their views on the initiatives.

Why did the APS Commissioner invite specific people and organisations to make a submission, given the process was run through a public-facing website so anyone could find out about it and participate?

- The Commission undertook a range of awareness raising activities to ensure the APS and broader community was aware of this process. This includes through the website, social media and APS-wide communications.
- The invites were made to these experts and organisations because they have relevant expertise or background in public administration, APS Reform and/or integrity matters. They are particularly well-placed to comment on the matters in the issues paper.

How did the APS Commissioner select people and/or organisations invited to make a submission to the public consultation process?

- Invitees were selected based on their expertise or interest in matters of public administration, integrity and APS Reform.



- A balance was also sought between sectors (academia, employee representatives, interested organisations, government and other experts such as former public servants).
- Invitees were encouraged to share information about the process among their networks to ensure a large range of views were received.

How many unions were invited?

- Community Public Sector Union, Professionals Australia and the Australian Services Union (Taxation Branch) were invited to make a submission.
- The APS Consultative Committee was invited to make a submission. This group includes:
 - Professionals Australia
 - Australian Nursing and Midwifery Federation
 - Australian Manufacturing Workers' Union
 - United Workers' Union
 - Australian Salaried Medical Officers' Federation.

Did the Government have a say in who was invited to make a submission to the public consultation process?

- The list was developed within the Commission and provided to the Minister for the Public Service for noting.
- The Minister's Office made one suggestion for Professionals Australia to receive an invitation.
- This group had been invited to make a submission through the APS Consultative Committee, but as it represents over 20,000 professional employees a direct invitation was also made.

What are the next steps following the public consultation?

- The Commission is working through the feedback.
- Submissions will be published through the APS Reform website in due course.

What did feedback from the public consultation show?

- The issues paper invited submissions on the following stage 2 integrity initiatives.
 - Own motion powers and expanded inquiry powers for the APS Commissioner to initiate reviews and investigate alleged Code of Conduct breaches by current and former APS employees and Agency Heads.
 - Extension of the APS Values to other government entities, statutory and non-statutory offices covered by the PGPA Act.
 - Balanced approach to managing post-employment conflicts of interest for Agency Heads, SES and designated APS positions.



- APS Integrity Data Dashboard.
- Strengthening transparency of agency customer feedback.
- Submissions were generally supportive of the initiatives, with various opportunities and challenges raised for implementation.

Were any extensions granted to make a submission? What was the policy for those seeking an extension to the submission deadline?

- Extensions were granted for 18 submissions to ensure comprehensive input into the consultation process. Many related to targeted engagement with PGPA Act entities about the extension of APS Values.
- The APSC worked with stakeholders to accommodate extension requests and appreciate the effort all stakeholders who made submissions.

When will you publish submissions?

- Submissions are still undergoing review.
 - Submissions will be published where the author has provided consent to publish.
 - Submitters could consent to publish either under their name, organisation name or anonymously.
 - Some submissions may be excluded from publishing if they contain identifiable information, individual or organisation specific circumstances.

Many of the stage 2 initiatives were announced by the Minister at the end of 2023. Why did it take so long to get the consultation happening?

- The issues paper has been in development during this time, including APS-wide consultation and collaboration to ensure it was a robust product.
- Work has also been progressing on other APS Reform initiatives, which have been captured in the Progress Report on the second stage of APS Reform.

Recent media reporting critiqued the issues paper noting that [stage two reforms] “*don't address the main deficiencies in the public service and they give the impression that integrity can do everything.*” How do you respond to that?

- We are aware of the critique, and are taking those points on-board along with all others through the public consultation.
- Many of the initiatives we pursue may not result in immediate changes, but set the foundation for changes over time. Additionally many of the initiatives are interdependent with other projects either in the APSC or in the APS.
- Initiatives complement work following the Robodebt Royal Commission recommendation and the *Louder than Words: Integrity Action Plan* to create a



comprehensive and robust system-wide approach to bolstering integrity as a core value in the APS.

Why was the initiative on *merit-based appointments and performance framework for secretaries of Commonwealth Government departments, agency heads and the APS Commissioner* not covered in the issues paper for the public consultation process on the stage 2 integrity initiatives?

- The Department of the Prime Minister and Cabinet lead this initiative and are best placed to answer any questions.

Note: Next steps for this initiative are subject to a decision of government.

Is there any other consultation being undertaken for the stage 2 integrity initiatives?

- Consultation is underway across the APS, including partnering with the Department of the Prime Minister and Cabinet, the Attorney-General's Department and the Department of Finance.

What are the key initiatives announced in Stage 2 that underpin bolstering integrity?

- Merit-based appointments and performance framework for Secretaries, agency heads, and the APS Commissioner.
- Expanding the APS Commissioner's powers to initiate investigations into alleged Code of Conduct breaches by current and former APS employees.
- The extension of the APS Values to other Government entities, statutory and non-statutory offices covered by the PGPA Act.
- Capturing and mapping integrity data and assessing maturity levels by building on existing indicators and metrics.
- Modernising the process to review the application of merit in APS recruitment and promotion decisions.
- Strengthening transparency of agency customer feedback.
- Implementing a balanced approach to managing post-employment conflicts of interest for Agency Heads, SES and designated APS positions.
- Continuous professional development of SES by deepening integrity capability.



What else is the Government doing to strengthen integrity in the APS?

- The first pillar of APS Reform is to create an APS that embodies integrity in everything it does. It will seek to ensure that the APS acts with and champions integrity and fairness, and is accountable and transparent in everything it does.
- The *Public Service Amendment Act 2024* received Royal Assent on 11 June 2024. The changes lock in key APS Reform initiatives that will strengthen integrity, build the capability and expertise of the APS, and support good governance, accountability and transparency.
- The following changes commenced on 11 December 2024.
 - Enshrine Stewardship as an APS Value.
 - Establish a process for regular, evidence-based and public engagement-driven long-term insights briefings.
 - Require annual publication of agencies' aggregate APS Census results.
 - Require regular, independent and transparent capability reviews.
 - Require Agency Heads to put in place measures that enable decisions to be made by APS employees at the lowest appropriate classification.
 - Reaffirm the apolitical role of the APS by making it explicit that Ministers cannot direct Agency Heads on employment matters.
 - Update the definition of 'outsider' to exclude Australian Defence Force (ADF) members so an Agency Head can delegate their functions to members of the ADF without first seeking the Australian Public Service Commissioner's approval.
- These changes will strengthen the APS's core values; build the capability and expertise of the APS; and support good governance, accountability and transparency.
- The second stage of APS Reform includes a range of initiatives to further bolster the integrity of the APS. This builds on the first stage of Reform and focusses on initiatives that will strengthen appointments and performance of senior APS executives, strengthen the powers of the APS Commissioner, extend the APS values to other government entities, and further build pro-integrity culture and capability.
- The Government has also taken action to ensure accountability of former senior public service leaders. The *Public Service Amendment (No. 2) Act 2024* received Royal Assent on 26 August 2024, and came into effect the following day.



How will the Government strengthen the measurement of integrity in the Commonwealth?

- Recommendation 12 of the *Louder than Words: An APS Integrity Action Plan* commits Secretaries to undertake self-assessments against the Commonwealth Integrity Maturity Framework and report back to Secretaries Board on plans to upscale their agency's integrity maturity. This work is underway.
- In addition, the Attorney-General's Department is leading the development of a Commonwealth Integrity Strategy.
- The Commonwealth Integrity Strategy will:
 - articulate a coherent narrative for the range of integrity initiatives underway across the Commonwealth;
 - improve coordination and information sharing between entities, particularly integrity agencies, and
 - harness existing sources of data and information to improve monitoring and measurement of integrity across the Commonwealth.



OTHER RELEVANT MATERIAL

- **FOI request (LEX1077)** - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

BACKGROUND

- *For further information about Public Service Act Amendments see SB25-000025.*
- *For further information about APSC Integrity system activities see SB25-000004.*
- *For further information about Integrity Inquiries see SB25-000003.*

MEDIA

- 19/11/2024 Commission's lack of imagination and ambition about fixing the APS
Paddy Gourley

OTHER RELEVANT MATERIAL

- [APS Reform agenda stage 2 integrity reforms issues paper](#)
- [APS Reform Annual Progress Report 2024](#)
- **FOI request (LEX1077)** - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

CLEARANCE SUMMARY

Justine Curnow Assistant Commissioner	APS Reform	Clearance date 6 February 2025	s 47F
s 47F	APS Reform	6 February 2025	s 47F
Finance team quality assurance	N/A	Finance QA date	N/A
Consultation	Integrity Performance and Employment Policy	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

Conflict of Interest

KEY MESSAGES

- All APS employees are required under section 13(7) of the APS Code of Conduct to “take reasonable steps to avoid any conflict of interest (real or apparent) and disclose details of any material personal interest of the employee in connection with the employee's APS employment”.
- The Commission is partnering with key agencies under the auspices of the Chief Operating Officers’ Committee to progress work in response to Recommendation 14 of *Louder than Words Integrity Action Plan*.
- As part of this work and other measures in the APS Reform agenda, the Commission is developing guidance and practical tools to support agencies and employees to identify and manage potential conflict of interest risks, including those which may arise after separation from APS employment.

FACTS AND FIGURES

- A draft *APS Conflict of Interest: Better Practice Model* was endorsed ‘in-principle’ by the Chief Operating Officers’ Committee on 27 November 2024.
- The development of the draft Better Practice Model, which followed a review of APS agency conflict of interest policies, was led by the Department of Industry Science and Resources, in consultation with the Commission, the Department of Finance and other key stakeholders, under the auspices of the COO Committee in response to Recommendation 14 of the *Louder than Words Integrity Action Plan*.
- Final endorsement of the Better Practice Model is subject to consultation with the Australian National Audit Office.
- Publication is scheduled for mid-2025, with accompanying supporting artefacts including factsheets, checklists and templates.
- Post-separation obligations for Commonwealth public servants, as well as protection of Commonwealth information, are addressed via relevant sections within the:
 - *Criminal Code Act 1995*;
 - *Foreign Influence Transparency Scheme Act 2018*; and
 - *Lobbying Code of Conduct*.



- Additional post-separation conflict management measures are being considered as part of Stage 2 of APS Reform.

QUESTIONS AND ANSWERS

What is the Commission doing to address conflicts of interest in the APS?

- The obligation under s13(7) of the APS Code of Conduct is complemented by the general duty of officials to disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.
- As accountable authorities, Agency Heads are responsible under the PGPA Act for establishing appropriate systems and controls to assess and manage risk with regard to conflicts of interest, and support agency employees to meet their obligations on an ongoing basis.
- The Commission in turn supports Agency Heads, agencies and APS employees to meet conflict of interest management obligations under the PS Act with a range of guidance and support mechanisms including:
 - dedicated guidance at Chapter 5 of the *APS Values and Code of Conduct in Practice* guide
 - ad hoc and context specific advice to individual APS employees and agency practitioners through the Ethics Advisory Service, including where relevant, drawing attention to the Department of Finance's dedicated guidance to entities in relation resource management and PGPA Act obligations, including its guidance on *Ethics and Probity in Procurement*
 - specific induction guidance to incoming Agency Heads to assist them in declaring and managing their own real or perceived conflicts which cannot be avoided, and a reminder to actively support their SES employees to do the same.
- The Commission is also partnering closely with key agencies under the auspices of the Chief Operating Officers' Committee to progress work in response to *Louder than Words*, including Recommendation 14.
- The DISR-led working group has developed a draft '*Conflict of Interest Better Practice Model*', which establishes a spectrum of practice expectations via tangible and practical requirements for managing Conflict of Interest consistently across the APS.



- The Better Practice Model will enable agencies to tailor Conflict of Interest requirements against the expectations, in accordance with their portfolio responsibilities, size, systems capability, and risk profile and appetite.
- It targets specific areas of risk including declaration requirements and management systems, post-separation, secondary and previous employment conflicts, scenario based training, assurance activities, reporting and oversight.
- The basis for the model is to separate the elements of 'better practice' into 'minimum standards', 'good practice' and 'excellent practice', which agencies can use to evaluate their current policies and procedures, identify gaps and make strategic decisions of where to strengthen integrity standards.

Why has it taken so long to respond to the conflict of interest recommendations in the *Louder than Words* report?

- The work in response to Recommendation 14 is nearing completion.
- The Better Practice Model and other conflict of interest guidance artefacts will be published by the Commission by mid-2025, in coordination with complementary guidance to be released by the Department of Finance and the National Anti-Corruption Commission.
- The Commission is working closely with these agencies to ensure all relevant Conflict of Interest guidance products and related artefacts under the APS-wide and broader Commonwealth framework are fully consulted, consistent, appropriately integrated and cross-referenced, and form a holistic suite of materials to practically assist agencies to establish effective systems and processes, and support employees in their day-to-day roles and duties.
- The work to progress an APS Conflict of Interest management framework has been informed by the parallel work priorities of the Department of Finance (in regards to the integrity of supplier conduct) and the National Anti-Corruption Commission (in respect of its corruption prevention remit).
- The Department of Finance has led a review of the management of conflicts of interest and confidentiality issues with external personnel and bodies, supported by an inter-agency reference group, including the Commission.
- That review related to procurements, grants and other financial arrangements, and included:
 - reviewing existing confidentiality provisions and processes



- creating fit for purpose and enforceable confidentiality clauses to strengthen Commonwealth contracts, and
- considering opportunities to enhance Conflict of Interest disclosure processes for tenderers and suppliers.
- As a result of this review, Finance is developing a Resource Management Guide to assist public officials in managing conflicts of interest when engaging the non-government sector. The Commission understands this work is in the final stages of completion and Finance has indicated its intention to release the material in the first half of 2025.
- The National Anti-Corruption Commission is also developing guidance about the corruption risks posed by Conflict of Interest management. The Commission and Finance have consulted closely on this product—which will provide the definitions and principles which the other products will mirror—and it is also due for publication early in 2025.
- The agencies have partnered closely to develop and articulate—in each of their guidance products—consistent definitions, principles, and practical advice to Commonwealth entities regarding the identification, avoidance, declaration and management of conflicts of interest, to enable them to properly manage resources, mitigate enterprise risk, prevent corruption and support public officials to uphold their integrity obligations.

What is the Commission specifically doing to manage post-separation conflicts of senior public servants?

- As accountable authorities, Agency Heads are responsible under the PGPA Act for establishing appropriate systems and controls in agencies to assess and manage risks with regard to conflicts of interest and maintaining the confidentiality of Commonwealth information, including risks that arise when senior employees leave the APS.
- Many APS agencies have developed clear policies on identifying and managing post-APS employment risks, utilising the range of legislative and administrative mechanisms currently available, and advising separating employees of their obligations.
- The Commission in turn supports Agency Heads, agencies and APS employees to meet their post-separation conflict of interest management obligations under the PS Act with a range of guidance and support mechanisms including:
 - Chapter 5 of the *APS Values and Code of Conduct in Practice* guide includes a dedicated section on post-separation employment [section 5.10], which identifies the key risks post-separation employment may present to the APS

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and broader Commonwealth interests, and suggests actions that agencies and employees can do—both before and after an employee separates from the APS—to manage any identified real and perceived conflicts

- ad hoc and context specific through the EAS and at more senior levels including drawing attention to the range of ongoing post-separation obligations and best practice management approaches
 - supporting the Department of the Prime Minister and Cabinet to provide offboarding guidance to portfolio department Secretaries on their specific legislative and non-legislative obligations post-separation, and
 - specific guidance to Agency Heads on induction to assist them in declaring and managing their own real or perceived conflicts on an ongoing basis while in their roles, and a reminder to actively support their SES employees to do the same, thereby fostering awareness of conflict of interest risks and best practice management approaches as part of a pro-integrity culture in the APS.
- As part of Pillar One of the APS Reform agenda, the Government has committed, under Measure 4 of the Stage 2 initiatives, to scoping further legislative and non-legislative options:
 - for developing requirements to ensure Agency Heads and SES (and designated APS positions) have post-employment conditions in place to manage actual, potential and perceived conflicts of interest after leaving the APS, and
 - to develop a system to monitor and enforce post-APS employment conflicts of interest.
 - An open consultation process was initiated to help design and scope the Stage 2 initiatives. An issues paper identifying potential options for a balanced approach to managing post-employment conflicts of interest for Agency Heads, SES and designated APS positions was open for 5 weeks in late 2024 and submissions were invited through the APS Reform website.
 - The Commission received 82 submissions from individuals, academic institutions and think tanks, organisations, employee representative bodies and across the public sector. Submissions were generally supportive of the initiatives proposed in the issues paper and they are informing the Commission's further work.



BACKGROUND

The issue of Conflict of Interest management was identified as an area for further guidance in the *Louder than Words Integrity Action Plan*, published in November 2023.

Recommendation 14 indicated that the APS needed to address risks associated with the perceived ‘revolving door’ between the public and private sectors, and ensure other conflicts of interest are declared and managed appropriately.

‘[As at October 2023], only around half of Commonwealth agencies have a formal conflict of interest policy in place. We have also identified a gap in mechanisms to monitor compliance with conflict of interest policies. The APS would benefit from dedicated ongoing education for staff at all levels about the rules, practice and significance of managing conflicts of interest’.

Recommendation 14 made specific reference to the need for clear policies and processes to manage Conflicts of Interest arising from previous, secondary and post-separation employment.

In response to Recommendation 14, Secretaries Board tasked the Chief Operating Officers’ Committee to review agency Conflict of Interest management frameworks for all agencies from a risk mitigation perspective with a view to recommending agencies share good practice, such as specific declaration processes, regular training, and centrally recorded Conflict of Interest management plans.

MEDIA

- Nil recent media on general issues of Conflict of Interest or post-separation risks.

OTHER RELEVANT MATERIAL

FOI Requests

LEX 1225 - documents relating to the number of Code of Conduct inquiries in the APS relating to conflict of interest. Response provided 30 October 2024, full release of 1 document.



CLEARANCE SUMMARY

Kylie Barber Assistant Commissioner	Integrity, Performance & Employment Policy	3 February 2025	s 47F
s 47F	Integrity & Ethics	s 47F	
Consultation	Department of Industry Science and Resources; Department of Finance; National Anti-Corruption Commission	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

Gifts and Benefits

KEY MESSAGES

- The Australian Public Service Commission provides guidance to APS Agency Heads on their obligations to publicly disclose all gifts or benefits accepted and valued at over \$AUD100.00 (excluding GST).
- The Commission also provides guidance to all APS employees and agencies about gifts and benefits as a potential conflict of interest to be avoided, or effectively declared and managed, in Chapter 5 of the *APS Values and Code of Conduct in Practice* guide.
- As Accountable Authorities, and consistent with the Commission's guidance, there is a strong expectation that agency heads will also publish gifts and benefits received by all staff in their agency that exceed the threshold of \$AUD100.00 (excluding GST).
- Questions about specific gifts or benefits accepted by an APS employee or agency head should be put to the relevant agency.

FACTS AND FIGURES

- The Commission's APS-wide guidance, [Guidance for Agency Heads - Gifts and Benefits](#), has been in place in its current form since 1 December 2021. The guidance was updated in October 2023 to require Agency Heads to report invitation-only airline lounge memberships on an annual basis.
- The guidance reflects the central APS policy position on the receipt and handling of gifts and benefits in the performance of official duties, underpinned by the ethical and legal obligations which apply to Agency Heads and APS employees in the *Public Service Act 1999*, and accountable authorities and other public officials in the *Public Governance, Performance and Accountability Act 2013*.
- Although not a requirement under this guidance, there is a strong expectation that Agency Heads will also publish gifts and benefits received by all staff in their agency that exceed the threshold of \$AUD100.00 (excluding GST).
- The Commission also provides guidance to all APS employees and agencies about gifts and benefits as a potential conflict of interest to be avoided, or effectively declared and managed, in accordance with the APS Values and section 13(7) of the



Code of Conduct, in [Chapter 5 of the APS Values and Code of Conduct in Practice Guide](#).

- The Commission's guidance should be read in conjunction with agency-specific policies.
- To facilitate transparency, the Commission publishes links to each Agency Head's gifts and benefits registers on its website.
- The Joint Committee of Public Accounts and Audit has recently recommended the Department of Finance and the Digital Transformation Agency take action to understand the extent to which inappropriate cultivation of Commonwealth officials may be occurring by major ICT vendors through the offering of gifts and benefits.
- The JCPAA also recommended the Australian National Audit Office consider future audits of potential gifts and hospitality issues in the public sector to identify practices of concern.
- In support of the JCPAA's observations, the Commission is updating its guidance to agencies on Gifts and Benefits.
- The Commission's internal gifts and benefits policy aligns with the APS Agency Heads guidance and is governed by the Commission's [Accountable Authority Instructions](#) and [Conflicts of Interest Policy](#).
- Commission employees are generally discouraged from accepting gifts or benefits, and must not encourage the provision of gifts or benefits to them as it could influence, or could be perceived to influence their decision-making.

QUESTIONS AND ANSWERS

Is it appropriate for public servants to accept gifts or benefits, including exclusive airline lounge memberships?

- The Commission provides guidance to APS Agency Heads—published on its website—on their obligations to publicly disclose all gifts or benefits accepted and valued at over \$AUD100.00 (excluding GST).
- The guidance sets out factors that Agency Heads should have regard to in considering whether it is appropriate to accept a gift or benefit.
- While the types of gifts and benefits covered by the policy are not listed exhaustively, free or discounted hospitality such as invitation-only airline lounge memberships are expressly included.



- In circumstances where Agency Heads accept airline lounge memberships (including those which are invitation-only), these must be reported annually or when circumstances change, such as a new or cancelled membership.

What about flight or car hire upgrades?

- Flight or car hire upgrades come within scope of the guidance if they are offered because of the individual's official role. Agency Heads should use their judgement as to whether an upgrade has been offered in this context.
- Automatic, operational or 'next in line' changes to flights or car hires may result in an upgrade but are not related to the person's role and usually cannot be declined. These upgrades would not come within scope of the declaration requirement.

Why does the guidance only apply to Agency Heads?

- Agency Heads have particular obligations to uphold and promote the APS Values, including demonstrating integrity and accountability.
- Agency Heads are also frequently the accountable authorities for their agency under the *Public Governance, Performance and Accountability Act 2013* with specific responsibilities in the use and management of public resources, including duties to instruct the agency's other public officials.
- Although not a mandatory requirement under this guidance, there is a strong expectation that Agency Heads will also publish gifts and benefits received by their employees that exceed the threshold of \$AUD100.00 (excluding GST).

Are APS employees also required to report gifts and benefits? If yes, what guidance is available to them?

- Under the Code of Conduct, APS employees are required to take reasonable steps to avoid any conflict of interest, real or apparent, in connection with their employment, and disclose details of any material personal interest.
- SES employees are also obligated to annually report material personal interests which could give rise to a real or apparent conflict with their role or duties, including any gifts and benefits received in the course of their duties.
- The Commission's guidance to APS employees in the *APS Values and Code of Conduct in Practice Guide* makes clear that accepting any gift or benefit in connection with their employment should be avoided if it creates a real or apparent conflict of interest. If a gift or benefit is accepted, and its acceptance creates a material conflict of interest, it must be disclosed and managed.



- The requirements and processes for reporting of gifts by APS employees is a matter for individual agencies and Agency Heads as Accountable Authorities. Policies will differ in accordance with the operating context and risk profile of each agency.
- The declaration and reporting obligations for APS employees will be reconsidered as part of the Commission's review of the guidance for Agency Heads, in consultation with agencies.

How does the Commission make sure agencies comply with the guidance?

- Agencies are expected to comply with the guidance, including publication of their Agency Head's declarations of interests on the agency's website, to ensure they meet their personal obligations under the *Public Service Act 1999*.
- To facilitate transparency, the Commission publishes available links to relevant registers on agency websites. The Commission also receives quarterly reports from agencies of the published gifts and benefits received by agency heads.
- The Commission undertook a desktop review in April 2024 of agency registers, finding that 93% of agencies complied with the publication requirement. This aligns with the recent findings of the [ANAO Audit Lessons Insights report on Gifts, Benefits and Hospitality](#) published on 29 October 2024 that 94% of agencies were compliant.
- The Commission is also partnering with key agencies under the auspices of the Chief Operating Officers' Committee to support delivery of an APS-wide conflict of interest management framework.
- This work is informed by the parallel priorities of the Department of Finance (in regards to the integrity of supplier conduct) and the National Anti-Corruption Commission (in respect of its corruption prevention remit), to bring together consistent advice and practical guidance to Commonwealth entities regarding the identification, avoidance, declaration and management of conflicts of interest.
- Separately the Commission is commencing a major project to review and strengthen the APS Employment and Integrity Frameworks.
- This work aims to identify current gaps and address improvements, in line with better practice framework design. This will cover a broad range of areas including a review of the various legislative instruments (the PS Act, PS Regulations and PS Directions), mapping the various information, policy and guidance products available, reviewing the associated accountability mechanisms currently in place as well as assurance activities.



- The program will better support Agency Heads to understand their obligations and responsibilities under the APS Employment Framework, thereby facilitating avenues for both internal and external assurance and accountability processes.
- This program of work acquits Recommendation 6 of the JCPAA report, as well as Recommendations 1, 2 and 4 of the ANAO report, and Recommendations 12 and 15 of Louder than Words.

What steps is the Commission taking to review its guidance on Gifts and Benefits?

- As indicated in the Government's response to JCPAA Report 504, the Commission will undertake a review of the *Guidance for Agency Heads – Gifts and Benefits*. This work will be delivered in consultation with agencies through the Chief Operating Officers' Committee, with the view to integrate this guidance with the forthcoming APS conflict of interest management framework. It will also be informed by a pilot approach to ICT vendor gifts and benefits reporting underway at the Digital Transformation Agency.
- In undertaking this review the Commission will consider relevant outcomes of contemporary reports, observations and recommendations on the topic of gifts and benefits, including those made by the JCPAA and the ANAO (*note: see background*).

Is the Commissioner a member of the Qantas Chairman's Club Lounge and is this declared on your register?

- Commissioner de Brouwer is a member of the Qantas Chairman's Club Lounge. This is declared publicly on the Commission's agency head gifts register.

If pressed on other specific agency gifts and benefits matters

- Questions on specific gifts and benefits reporting matters or individual employee matters at specific agencies should be referred to the relevant agency.
- Questions about the Digital Transformation Agency ICT vendor reporting pilot should be referred to that agency.

For further information on APSC Integrity System Activities see SB25-000004.

For further information on Conflicts of Interest see SB25-000038.

For further information on the APSC's response to External Integrity Reports see SB25-000039.



BACKGROUND

Agency Head Guidance

The Commission's guidance for Agency Heads on gifts and benefits seeks to ensure that Agency Heads meet public expectations of integrity, accountability, independence, transparency and professionalism in relation to gifts and benefits; and that there is consistency in Agency Heads' management of gifts and benefits across the Commonwealth.

The guidance sets out factors that Agency Heads, and by extension APS employees, should have regard to in considering whether it is appropriate to accept a gift or benefit. This expressly includes free or discounted hospitality such as invitation-only airline lounge memberships.

The Commission's broader guidance for all APS employees is that they should avoid accepting any gift or benefit in connection with their employment if it creates a real or apparent conflict of interest. Under the APS Code of Conduct, APS employees are required to take reasonable steps to avoid any conflict of interest, real or apparent, in connection with their employment, and disclose details of any material personal interest.

In this context, the appropriate course of action will depend on the role and responsibilities of the employee and the risk that the offer of a gift or benefit in any circumstance could influence, or reasonably be perceived to influence, their decisions or actions.

Airline lounge memberships and upgrades

On 20 October 2023, the Commission revised its guidance, in consultation with the Department of the Prime Minister and Cabinet, to:

- specify that invitation-only airline memberships are reportable as they are a benefit and hospitality provided in a person's official capacity, and
- require all Agency Heads to annually declare and report accepted invitation-only airline memberships on their agency's gifts and benefits register.

In addition to its guidance to APS Agency Heads, and broader guidance to all APS employees in Chapter 5 of the *APS Values and Code of Conduct in Practice* guide, the Commission also publishes a Gifts and Benefits Frequently Asked Questions document. This indicates that flight or car hire upgrades may be automatically provided for operational reasons such as being 'next in line', scheduling or availability – it is understood that these upgrades are not made in the context of person's official role and declining them may be impractical or impossible.

Agency Heads and employees should use their judgement as to whether the upgrade has been provided to them in that context. If so, the declaration and reporting requirements would not apply.



Joint Committee of Public Accounts and Audit Report 504

On 26 June 2024, the Joint Committee of Public Accounts and Audit tabled the final report of its inquiry into procurement at Services Australia and the National Disability Insurance Agency (NDIA) finding key aspects fell short of the Commonwealth Procurement Rules and ethical requirements.

In particular the report indicated evidence of clear breaches of NDIA's internal policies by its officials, in relation to the acceptance and failure to declare gifts, benefits and hospitality from IT contractor Salesforce over a 5 year period, before and after the award of a customer relationship platform contract to Salesforce which was ultimately varied to a total value of \$135 million.

The relevant agencies have agreed to the report recommendations and in their responses indicated follow-up actions planned or underway, including referrals to law enforcement including the National Anti-Corruption Commission; the Commission review of its gifts and benefits guidance, and a piloted approach by Finance and DTA to uplift ethical engagement with ICT suppliers in the context of procurement activities.

ANAO Audit Lesson Insights Report

On 29 October 2024 the Australian National Audit Office published an Audit Lesson Insights report on gifts, benefits and hospitality across the Commonwealth public sector, to communicate lessons from the ANAO's audit work and to make it easier for people working within the Australian public sector to apply those lessons.

The report refers to the Commission's guidance, including the *Guidance for Agency Heads - Gift and Benefits*, and the *APS Values and Code of Conduct in Practice* guide. The Commission provided feedback to the ANAO on the draft report on 14 October 2024.

The ANAO examined the websites of 115 Australian Government entities as at September 2024 and found that 94 per cent of Agency Heads had published a register of gifts and benefits they had accepted.

The 7 audit lessons and the APSC's views on each are:

- Establishing a guiding principle for officials to generally avoid the acceptance of gifts, benefits and hospitality helps promote a culture of integrity.
 - *The Commission agrees with this principle although it is not expressed in these terms in the Guidance for Agency Heads.*
- Establishing preventative and detective controls helps manage corruption risks associated with gifts and benefits.



- *Agree. The Commission will consider this in its current review of the Guidance, to align with broader work streams on the APS Conflicts of Interest Management Framework to make more explicit the connection between gifts and benefits and the risk of conflicts of interest and corruption.*
- Internal policies on gifts, benefits and hospitality should be clear and specific.
 - *Agree. The Guidance indicates agencies should develop clear gifts and benefits policies for all staff.*
- Guidance could highlight entity activities that are at a heightened risk from gifts, benefits and hospitality.
 - *Agree. The Commission will consider this in its current review of the Guidance, to align with broader work streams on Conflicts of Interest management, which indicates the activities that are at a heightened risk of conflict of interest.*
- Controls can help ensure inappropriate personal benefits are not derived from official travel.
 - *Agree. The Commission's APS Values and Code of Conduct in Practice Guide makes clear the risks to public trust and confidence from employees deriving a personal benefit from gifts and benefits received in the course of their official duties.*
- Reporting all gifts and benefits — not just those accepted — can help identify risks.
 - *Agree. The Commission will consider this in its current review of the Guidance, to align with broader work streams on Conflicts of Interest management, with a view to indicating that Agency Heads and employees should identify and manage the risks of conflicts of interest arising from gifts, benefits and hospitality at the time they are offered.*
- Accurate valuation of gifts, benefits and hospitality increases transparency.
 - *Agree.*

APSC compliance activities

The ANAO publication compliance figure aligns with the data collected in the APSC's own desktop review conducted in April 2024 which indicated that 93% (107 of 115) agencies had a published register. At 31 December 2024, that figure is 94% (108 of 115).

The agency the Commission noted did not have a published register at 22 April 2024 but which is now compliant is the Professional Services Review.



The agencies the Commission noted which did not have published registers due to a granted publication exemption are:

- The Australian Criminal Intelligence Commission and Australian Institute of Criminology, which have the same agency head. The ACIC has been granted an exemption from publication of its register as an intelligence agency, but has been asked to still hold a register and make it available for the APSC on request.
- The Office of National Intelligence, which has requested and been granted an exemption from publication of its register as an intelligence agency. The ONI has been asked to still hold a register and make it available for the APSC on request.
- The Australian National Preventative Health Agency remains on the list of PGPA entities as it is a multi-jurisdictional body under legislation. The Commonwealth's role has been subsumed into the Department of Health and Aged Care, and it has no staff or agency head separate from the department.

MEDIA

11.01.2025, *The Canberra Times* - [Public service gifts: A lesson in integrity](#)

09.01.2025, *The Canberra Times* - [Finance proposes change to gifts disclosure after Salesforce saga](#)

20.12.2024, *IT News* - [DTA to closely monitor gifts from ICT vendors to government for a year](#)

01.11.2024, *The Mandarin* - [APS reacts to Chairman's Lounge invitations](#)

29.10.2024, *The Mandarin* - [Upgraded APS snared in Qantas Chairman's Lounge scandal](#)

29.10.2024, *The Canberra Times* - [Albanese under fire for Qantas perks controversy](#)

29.10.2024, *The Canberra Times* - [Is Qantas influence shaping govt travel choices? Aston says yes](#)

28.10.2024, *The Guardian* - [Cushy Qantas perks in Chairman's Lounge book shine spotlight on travel habits of Albanese and others](#)

27.06.2024, *The Canberra Times* - [NDIA breaches raise broader concerns about gifts in the APS](#)

20.06.2024, *ABC News* - [NDIA officials failed to declare gifts from US software group awarded lucrative contract - ABC News](#)

OTHER RELEVANT MATERIAL

No QoNs or FOI requests.



CLEARANCE SUMMARY

Kylie Barber Assistant Commissioner	Integrity, Performance & employment Policy	5 February 2025	s 47F s 47F
s 47F	Integrity & Ethics	s 47F	
Consultation	Nil	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

APS Values and MOP(S) Act employees

KEY MESSAGES

- The Australian Public Service Commission, in consultation with the Department of the Prime Minister and Cabinet, the Department of Finance, and key stakeholders in the APS, has recently provided direction and guidance about the behavioural codes, standards and disciplinary frameworks which apply to APS employees working in parliamentary workplaces.
- Further clarity regarding behavioural expectations for these employees, and applicable accountability mechanisms, was needed following the establishment of the Independent Parliamentary Standards Commission on 1 October 2024 as the workplace investigation mechanism for Commonwealth parliamentary workplaces.
- The *Australian Public Service Commissioner's Directions 2022* have been amended to disapply the *Impartial* and *Committed to Service* APS Values, and by extension the APS Code in relation to those two Values, where an APS employee is on leave without pay and engaged under the *Members of Parliament (Staff) Act 1984* to perform work for a parliamentarian, for the duration of that engagement.

FACTS AND FIGURES

- The *Australian Public Service Commissioner's Directions 2022* provide a mechanism to facilitate the mobility of APS employees to take leave without pay (LWOP) and be separately employed under the *Members of Parliament (Staff) Act 1984* to work in ministerial and other parliamentarians' offices.
- This arrangement supports an important public policy interest in ensuring trusted relationships and skills sharing between the APS, the Government and the Parliament.
- An amendment to the *APS Commissioner's Directions 2022* commenced on 21 February 2025 to provide that the *Impartial* and *Committed to Service* APS Values do not apply to APS employees who are on leave without pay and employed under the MOP(S) Act, for the duration of that engagement.
- The Commission has worked closely with Department of the Prime Minister and Cabinet, the Department of Finance, the Attorney-General's Department and other key stakeholders to provide guidance to APS employees who work for a parliamentarian under



the MOP(S) Act, and their home agencies, about the behavioural codes, standards and disciplinary frameworks which apply to them in those roles.

- All other APS Values must still be upheld and are enforceable through the APS Code. These expectations are consistent with integrity behaviour expectations of all public sector officials, including in the parliamentary workplace.
- The amendments do not apply retrospectively in the Directions instrument. However, where agencies become aware, after commencement of the amendments, of historical conduct that may be inconsistent with the *Impartial* or *Committed to Service* Values by an affected employee, they are strongly encouraged not to consider it as a potential breach of the APS Code of Conduct.
- Similarly, agencies are encouraged to discontinue Code matters on hand to the extent that they relate to conduct that may be inconsistent with the *Impartial* or *Committed to Service* Values for the relevant employees.
- As well, from 20 February 2025, all APS employees working for a parliamentarian must take LWOP from the APS and be engaged under the MOP(S) Act to do so, with the exception of Departmental Liaison Officers. APS employees may not be 'loaned' or 'seconded' to parliamentarians' offices.
- The *MOP(S) Act (Employment Arrangements) Determination 2025* specifies that the minimum period of engagement for an APS employee on LWOP to take up MOP(S) Act employment is four weeks. For periods of less than four weeks, a parliamentarian will need to use an existing MOP(S) Act employee to fill the vacancy as a temporary transfer.
- Departmental Liaison Officers must comply with all elements of the APS Code and all APS Values as they perform their roles as APS employees.



Table 1 – Applicable behavioural codes for APS employees in the parliamentary workplace

	Applicable codes, standards and disciplinary frameworks				
	<i>APS Code of Conduct</i>	<i>Ministerial Staff Code of Conduct</i>	<i>Behaviour Code for Parliamentarian Staff</i>	<i>Behaviour Standards for Commonwealth Parliamentary Workplaces</i>	<i>NACC Act</i>
Departmental Liaison Officer	Yes	No	No	Yes*	Yes
MOP(S) Act employee on leave without pay from the APS	Limited application#	Yes - if employed by a Minister	Yes	Yes	Yes

* Any allegation of a breach of the Behaviour Standards by a DLO would be referred by the Independent Parliamentary Standards Commission to the relevant employing APS Agency Head to be considered in respect to the APS Code of Conduct.

Only sections 13(11) and 13(12) of the APS Code of Conduct apply to an APS employee on LWOP and engaged under the MOP(S) Act. In respect of section 13(11), the *Impartial* and *Committed to Service* APS Values do not apply. All other APS Values continue to apply.

Enforcement of any suspected breach of the APS Code of Conduct by an APS employee working in a parliamentarian's office is, like any other APS Code of Conduct matter, at the discretion of the employing APS Agency Head under the *Public Service Act 1999*, and will depend on the particulars of the alleged behaviour and in consideration of the operating context of the parliamentary workplace



QUESTIONS AND ANSWERS

Can you provide an update on the Commission's work on clarifying the conduct requirements that apply to APS employees in parliamentary workplaces?

- The Commission has recently amended the APS Commissioner's Directions to deal with the uncertainty for APS employees, agencies, and employing parliamentarians about the conduct obligations that apply to APS employees in parliamentary roles.
- The Directions amendments, which commenced on 21 February 2025:
 - provide that APS employees who take LWOP to work for a parliamentarian under the MOP(S) Act are not bound by the *Impartial* and *Committed to Service* APS Values for the duration of the MOP(S) Act engagement; and
 - make technical amendments consequential to changes to the MOP(S) Act made in 2023 relating to employment arrangements for parliamentarians' staff.
- The Directions amendments are supported by APSC guidance that clarifies the conduct requirements and accountability mechanisms that apply to APS employees who perform work for parliamentarians.
- The Commission has worked closely with PM&C, Finance, AGD and other key stakeholders to develop policy and legislation that provides clarity for employees, agencies, and parliamentarians.
- The amendments turn off the APS Values of *Impartial* and *Committed to Service* for APS employees while they are working in a parliamentarian's office. This is because:
 - The expectation to be *Impartial*—as it is defined and required under the PS Act framework in support of an apolitical public service—may be seen as incompatible with the role and duties of an adviser to a parliamentarian.
 - Similarly, an expectation to be *Committed to Service* may be seen as inconsistent with the separate employment arrangement requirements under the MOP(S) Act, including advisory roles for non-government parliamentarians.
- This arrangement helps ensure trusted relationships between the APS, the Government and the Parliament, sets expectations that are reasonable and realistic and maintains confidence in the integrity of the public sector.
- The continued application of all other APS Values is consistent with integrity behaviour expectations of all public sector officials. It is reasonable to expect public sector officials to adhere to general obligations of accountability, acting ethically-



including taking reasonable steps to avoid conflicts of interest which might give rise to corrupt conduct-and treating others with respect. It is also reasonable for APS employees to be mindful of the broader stewardship obligations of APS employees to support the public interest.

- The Commission published guidance on its website on **21 February 2025**. The guidance explains the application of the amendments, and provides clarity for APS employees, APS agencies, and employing parliamentarians on the obligations that apply to Departmental Liaison Officers and to employees who take LWOP to work for a parliamentarian under the MOP(S) Act.
- The guidance material also sets out a range of supports including the Commission's Ethics Advisory Service which is available to provide further advice to APS employees and agencies on these employees' APS obligations, and on managing suspected breaches of the APS Code of Conduct.
- The guidance was developed in close consultation with the Department of Finance to ensure alignment with new determinations made under the MOP(S) Act by the Special Minister of State. The changes to the broader MOP(S) Act framework employment arrangements make clear how temporary vacancies in parliamentarian's offices may be filled, including a prohibition on 'secondment' arrangements of APS employees. The new arrangements ensure that APS employees may only work in parliamentarians' offices if they have been granted leave without pay and are separately employed under the MOP(s) Act, to ensure they are clear about their role and responsibilities, including the conduct frameworks which apply to them.

Does the APS Code of Conduct apply at all when an APS employee is working for a parliamentarian?

- The application of the APS Values and Code of Conduct and the parliamentary Behaviour Codes to APS employees working at Parliament House will depend on the type of engagement, the nature of their role and duties, and their connection to the APS.
- APS employees can perform work for a parliamentarian under two types of employment arrangements.
- First, an APS employee may take the role of a Departmental Liaison Officer in a Minister's office.
 - DLOs are APS employees, and continue to perform duties and functions as an APS employee for the duration of their placements. DLOs are provided by portfolio departments to facilitate the flow of communication and work between the department and other portfolio agencies and Ministerial offices.



- They **must not** perform any duties or tasks which are or could be perceived to be political in nature.
- Second, an APS employee may be granted leave without pay from the APS to be separately engaged under the MOP(S) Act.
 - Under this arrangement, the employee undertakes duties in a parliamentarian's office as a MOP(S) Act employee and does not perform any duties in connection with their APS employment.
 - These employees are primarily subject to the Behavioural Codes and Standards of the parliamentary workplace, including, if they work for a Minister, the Ministerial Staff Code of Conduct.
 - As their APS employment is not entirely severed, these employees remain subject only to the APS Code provisions that apply 'at all times':
 - An APS employee must at all times behave in a way that upholds the APS Values and APS Employment Principles, and the integrity and good reputation of the employee's Agency and the APS (s13(11) of the PS Act)
 - An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia (s13(12) of the PS Act). (This has limited practical application to APS employees who are also MOP(S) Act employees.)
 - In respect of the APS Values under s13(11), the APS Commissioner's Directions have now been amended to provide that the *Impartial* and *Committed to Service* Values do not apply for the duration of the MOP(S) Act engagement, because they may be inconsistent with the political nature of parliamentarian adviser duties.
 - All other APS Values – Respectful, Ethical, Accountable and Stewardship – continue to apply.

Is it appropriate that APS employees who are working for parliamentarians remain partially subject to the APS Values and Code as well as parliamentary behaviour codes?

- The APS Commissioner's Directions provide at section 67 that if an APS employee has been granted leave without pay to undertake employment under the MOP(S) Act, they have a 'right of return' to their employing agency at the same or equivalent classification when they cease MOP(S) Act employment.



- This arrangement preserves the employee's APS employment and, with it, the APS obligations which apply 'at all times' to the extent those obligations are reasonably consistent with MOP(S) Act employment and the Behaviour Codes of the parliamentary workplace.
- The expectation to be *Impartial* – as it is defined and required under the PS Act framework in support of an apolitical public service – is incompatible with the role and duties of an adviser to a parliamentarian.
- Similarly, an expectation to be *Committed to Service* may be seen as inconsistent with the separate employment arrangement requirements under the MOP(S) Act, including advisory roles for non-government parliamentarians.
- These changes ensure clarity for both the APS employees taking up separate employment under the MOP(S) Act to perform these roles and for their employers in directing their duties and tasks, and aligns with public expectations in regards to the broader integrity obligations of all public officials.
 - For example, in addition to general expectations of accountability, acting ethically and treating others with respect, there is an enduring expectation that all public officials use Commonwealth resources in a proper manner and for a proper purpose, comply with all applicable Australian laws, take reasonable steps to avoid conflicts of interest which may give rise to corrupt conduct, and not improperly use inside information or their duties, status, power or authority to gain, or seek to gain a benefit or advantage, or to cause or seek to cause detriment to the Commonwealth or another person. It is also reasonable for APS employees to be mindful of the broader stewardship obligations of APS employees to support the public interest.
- Other APS employees on LWOP that perform approved outside employment – such as for a non-government organisation, state government or as locally engaged staff in international APS offices – must still comply with the 'at all times' elements of the APS Code. It is reasonable that APS employees engaged under the MOP(S) Act are subject to the same expectations to the extent practicable given the nature of their roles.
- It is also not unusual for APS employees to be subject to one or more sets of professional behavioural standards in addition to their APS obligations, depending on their role and duties, e.g. legal and financial services professionals.
- The commencement of the Behaviour Codes and the establishment of the IPSC's jurisdiction provides the appropriate opportunity to give direction and guidance to APS staff working in the parliamentary workplace and their employers, to improve



clarity, consistency and interoperability of the various applicable codes and standards, and to safeguard public sector integrity while enabling mobility.

The Directions changes are unfair to employees who previously were found to have breached the Code for behaviour that would now be acceptable—what is the APSC doing about this?

- The Commission is unable to comment on the circumstances of individual matters.
- APS employees who have been found to have breached the Code of Conduct may have access to review rights, and it is open to the relevant employees to discuss these with their agency or the Merit Protection Commissioner.
- The Commission's guidance encourages agencies to give careful consideration to the relevance of historical misconduct in making employment decisions.
- Consistent with this policy position, it is expected that agencies will have regard to the intent of the Directions amendments in considering the relevance of breaches of the *Impartial* or *Committed to Service* Values by employees who at the time of the conduct were on leave without pay and working under the MOP(S) Act.

Why has it taken so long for the APSC to change the Directions and issue guidance?

- The Commission initially engaged with Finance on proposed guidance material to help clarify the obligations of APS employees working for parliamentarians in 2023. Feedback from Finance and the PWSS on an early draft developed in 2023 indicated that the issues are highly complex and required further policy consideration.
- Progress on the guidance was then paused while the remit and legislation for the IPSC was developed by PM&C.
- The Commission has consulted broadly on the policy underpinning the Directions amendments and further guidance, and has engaged extensively on operational and implementation issues with key stakeholders.
- This includes working with the Department of Finance to ensure alignment with related but separate determinations made under the MOP(S) Act relating to the employment arrangements for MOP(S) employees, including changes to the way temporary vacancies in parliamentarians' offices are backfilled.

If asked about who was consulted

- Key stakeholders include the PWSS, IPSC, the National Anti-Corruption Commission, the Attorney-General's Department, the Merit Protection Commissioner and APS agencies through the governance arrangements of the Chief Operating Officers' Committee.



Would an APS employee working for a parliamentarian also be subject to the Behaviour Code for Parliamentary Staff?

- An APS employee who is on leave without pay and engaged under the MOP(S) Act is a MOP(S) Act employee and is therefore subject to the Behaviour Code for Parliamentary Staff.
- The requirements under the Behaviour Code for Parliamentary Staff are consistent with behaviour requirements for APS employees 'in connection with their employment', including the requirement to comply with all Australian laws and the requirement to be respectful. There is also an express prohibition on certain workplace conduct including bullying and sexual harassment.
- If these employees are working in a Minister's office they are also subject to the Ministerial Staff Code of Conduct. This code is not investigated or enforced by the IPSC, but by the relevant Minister.
- Additionally all workers in the parliamentary workplace are subject to the *Behaviour Standards for Commonwealth Parliamentary Workplaces*.

(See Table 1 on page 3)

What guidance and support is being provided to employees and their employers?

- The Commission has published guidance on its website that aims to clarify the conduct obligations of APS employees in relation to the PS Act and the behavioural codes, standards and disciplinary frameworks that apply to them while they are working in a parliamentarian's office.
- The guidance sets out the distinct conduct obligations that apply to Departmental Liaison Officers, and to APS employees who take LWOP to work under the MOP(S) Act.
- The guidance also sets out considerations for APS agencies on commencement of the amendments to the Directions, and avenues of support available to APS employees in parliamentary roles which include: the Commission's Ethics Advisory Service, their agency's Chief Operating Officer and Human Resources area, the Ministerial and Parliamentary Services Division in the Department of Finance and the Parliamentary Workplace Support Service.

Further questions about the MOP(S) Act framework including the obligations of MOP(S) Act Employees, should be directed to the Department of Finance.



PDR: SB25-000007
Lead: Paula Stratton

Further questions about the operation and enforcement of the Behavioural Codes should be directed to the Parliamentary Workplace Support Service and the Independent Parliamentary Standards Commission respectively.

Further questions about the establishment of the Independent Parliamentary Standards Commission should be directed to the Department of the Prime Minister and Cabinet.



BACKGROUND

The *Parliamentary Workplace Support Service Amendment (Independent Parliamentary Standards Commission) Act 2024* commenced on 1 October 2024 to establish the Independent Parliamentary Standards Commission.

The IPSC provides an independent workplace investigation and sanctions framework to enforce Behaviour Codes for Parliamentarians, staff employed under the *Members of Parliament (Staff) Act 1984*, and other staff in Commonwealth parliamentary workplaces.

Following commencement of the IPSC, the *Behaviour Code for Australian Parliamentarians*, *Behaviour Code for staff employed under the Members of Parliament (Staff) Act 1984* (the Behaviour Code for Parliamentary Staff), and *Behaviour Standards for Commonwealth Parliamentary Workplaces* became enforceable from 14 October 2024.

The IPSC and Behaviour Codes were developed in response to the recommendations of the *Set the Standard* Report.

The Ministerial Staff Code of Conduct already applied to Ministers' staff. The Ministerial Staff Code is enforced by Ministerial employers not the IPSC.

The question of whether the APS Code of Conduct, and the APS Values through s13(11), applies to APS employees working as advisers in Ministers' offices, and how the Behavioural Codes might interact with residual APS Code obligations, has previously been raised with the Commission at Senate Estimates.

Specifically, Senator Linda Reynolds (LP) has previously asked the Commission:

- whether the APS Code of Conduct, and the APS Values through s13(11) of the Code, applies to APS employees working as advisers in Ministers' offices (SQ22-000023)
- how agencies undertake Code investigations in respect of APS employees in relation to alleged misconduct on their return from Minister's offices (SQ22-000024) and
- how the new Parliamentary Behaviour Codes might interact with residual APS Code obligations (SQ23-000004).

In response to Senator Reynolds's questions, the Commission initially engaged with Finance on proposed guidance material to help clarify APS employees' obligations in these circumstances. Feedback from Finance and the PWSS on an early draft developed in 2023 indicated that the issues are highly complex and required further policy consideration.

Progress on the guidance was then paused while the remit and legislation for the IPSC was developed by PM&C.

PM&C, the Commission, Finance have consulted closely on the policy underpinning this change and further guidance, and have engaged on operational and implementation issues



with the PWSS, the National Anti-Corruption Commission, the Attorney-General's Department, the Merit Protection Commissioner and APS agencies through the governance arrangements of the Chief Operating Officers' Committee.

The COO Committee endorsed the proposal to amend the application of the APS Values on 5 February 2025, and agencies' operational insights have informed the development of the guidance.

Application of the Directions amendment

Where a conduct matter is referred to an APS Agency Head by the IPSC concerning a suspected breach of the Behaviour Code for staff employed under the MOP(S) Act by an APS employee on LWOP during MOP(S) Act employment, the Agency Head (or delegate) must consider the following in exercising their discretion to take further action in relation to their APS employment – including in relation to the APS Code of Conduct:

- If the matter relates to conduct that may be inconsistent with the *Impartial or Committed to Service* Values and is alleged to have occurred **on or after** commencement if the Directions amendment, an agency **must not** treat it as a potential breach of the APS Code of Conduct—i.e. a breach cannot be determined under agency procedures established under section 15(3) of the PS Act, and a sanction under section 15(1) cannot be imposed.
- If the matter relates to conduct that may be inconsistent with the *Impartial or Committed to Service* Values and is alleged to have occurred **before** commencement, it is strongly recommended that agencies do not consider it as a potential breach of the APS Code of Conduct —i.e. do not deal with the matter under their section 15(3) procedures.
- It is also strongly recommended that agencies discontinue matters on hand under their section 15(3) procedures to the extent that they relate to conduct that may be inconsistent with the *Impartial or Committed to Service* Values for the relevant employees.
- If the matter relates to conduct that may be inconsistent with any other applicable elements of the APS Code of Conduct, agencies should consider any potential disciplinary actions having full regard to the operating context of the parliamentary workplace, as well as the agency's obligations to provide procedural fairness and maintain proper confidentiality; and have regard to relevant Commission guidance.



Establishment of the IPSC

The Independent Parliamentary Standards Commission was established on 1 October 2024, in response to Recommendation 22 of *Set the Standard*, the Australian Human Rights Commission's November 2021 report into Commonwealth parliamentary workplaces.

Recommendation 22 states:

Independent Parliamentary Standards Commission

The Houses of Parliament should establish, within 12 months, an Independent Parliamentary Standards Commission with delegated power that would:

- (a) incorporate the new Parliamentary Workplace Support Service, including its advisory and support functions (and applying more broadly to misconduct covered by the Codes of Conduct)*
- (b) operate a fair, independent, confidential and transparent system to receive disclosures, as well as handle informal and formal complaints and appeals about misconduct*
- (c) make findings about misconduct*
- (d) make recommendations on sanctions (in relation to parliamentarians, staff and others as relevant under the Standards of Conduct in the Parliamentary Precincts)*
- (e) apply sanctions for a breach of the Code of Conduct for Parliamentarians where such sanctions do not interfere with the functions of the Parliament.*

MEDIA

- 17/09/2024, The Mandarin, [Handshakes mark parliamentary standards commission laws](#)
- 10/09/2024, The Guardian, [Labor accused of watering down parliamentary watchdog so it 'doesn't pass the pub test'](#)
- 21/08/2024, The Mandarin, [Law looms to subject parliamentarians, MOPS to behaviour codes](#)



TIMELINE

Date	Action
28 January 2025	Minister updated by APSC (verbal brief)
24 January 2025	Minister informed by PM&C, APSC and Finance (written brief)
24 January 2024	Chief Operating Officers' Committee members notified National Anti-Corruption Commission, Parliamentary Workplace Support Service and policy areas of Attorney-General's Department and Department of Finance consulted separately on operational and policy matters.
5 February 2025	Chief Operating Officers' Committee endorsement received
5 February 2025	CPSU consulted
12 February 2025	Secretary's Board notified

Questions on Notice

SQ24-000095 – Senator Hume, Budget Estimates 2024-25, response provided 15 July 2024.

- Relates to the management of conflicts of interest under the APS Code of Conduct, guidance provided by the Commission to APS employees about conflicts of interest, and the applicable behavioural standards for Parliamentary Services employees.

SQ23-000004 – Senator Reynolds, Supplementary Budget Estimates 2022-23, response provided 30 March 2023.

- Relates to the guidance that may need to be provided to APS employees granted leave to undertake roles as Ministerial advisers about which behavioural standards would apply to conduct during the performance of those roles.

SQ22-000023 and SQ22-000024 – Senator Reynolds, Budget Estimates 2021-22, responses provided 15 December 2022.

- These questions sought an explanation and assurance of the procedures, including procedural fairness measures, applied by agencies during APS Code of Conduct investigations and decision-making processes. The questions were asked in the context of the potential application of the APS Code of Conduct to APS employees on their return to home agencies from roles as Ministers' advisers.



CLEARANCE SUMMARY

Paula Stratton A/g Assistant Commissioner	Integrity, Performance and Employment Policy	Clearance date 19 February 2025	s 47F
s 47F	Integrity and Ethics	s 47F	
Finance team quality assurance	N/A	Finance QA date	
Consultation	PM&C, Finance, AGD	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

ESTIMATES BRIEF – Hot Issue**BARGAINING**

Additional Estimates – Feb 2025

APS-wide & Non-APS Bargaining**Subject/Issue**

APS agencies concluded bargaining for pay and conditions in November 2023. Non-APS agencies continue to bargaining as their arrangements fall due.

Key facts and figures**APS-Wide Bargaining**

- Bargaining concluded on 30 November 2023, having delivered an 11.2 per cent pay increase and a package of 59 common conditions included in all APS enterprise agreements.
- All 103 APS agreement ballots were successful. Over 170,000 APS employees voted on an agreement, with an average support rate of 96 per cent across the service.
- All 103 agreements were approved by the Fair Work Commission (FWC) and commenced operation by 9 May 2024.
- The agreed outcome provides the following pay increases:
 - 14 March 2024: 4 per cent
 - 13 March 2025: 3.8 per cent
 - 12 March 2026: 3.4 per cent
- APS agreements will nominally expire in February 2027.

Non-APS Bargaining

- 37 non-APS agencies have had arrangements agreed by staff, including:
 - the Australian Federal Police (AFP),
 - Australian Securities and Investment Commission (ASIC),
 - Commonwealth Scientific and Industrial Research Organisation (CSIRO)
 - Civil Aviation Safety Authority (CASA) and
 - the agreement covering the Members of Parliament Staff (MOPS).
- ASIC, CSIRO, CASA and MOPS agreements had over 80 per cent support.
- Australian Prudential Regulation Authority (APRA) employees did not support a December 2024 enterprise agreement ballot with 69 per cent of participating staff voting no. Bargaining at APRA will recommence soon.
- 5 non-APS enterprise agreements are currently under negotiation.

Key points

Public sector wages bill

- An effective, efficient, and well-resourced public service is essential to successfully implementing the Government's policy agenda and commitments to the Australian people.
- The size and cost of the public service is reflected in the Budget papers.
- Questions about the content of Budget papers should be raised during the Department of Finance's appearance.

APS pay fragmentation

- Decades of decentralised bargaining resulted in significant pay discrepancies between agencies for work at the same classification.
- Recent bargaining began the process of addressing this disparity between agencies and delivered additional increases to approximately 8,000 employees or around 4.5 per cent of the total APS workforce.

Indian Ocean Territories and industrial action

- The Department of Infrastructure, Transport, Regional Development, Communication and the Arts is currently in the process of negotiating a new draft enterprise agreement with staff of the Indian Ocean Territories Administration.
- A vote for a proposed Indian Ocean Territories Administration enterprise agreement closed on 6 February 2025. A majority of employees did not vote to approve the enterprise agreement. Indian Ocean Territories will evaluate the outcome of the ballot before recommencing bargaining.
- On 6 December 2024 employee members of the Union of Christmas Island Workers voted to undertake protected industrial action in the form of work stoppages and bans on call backs to undertake work.
- These stoppages and bans occurred over 12-14 and 23-24 December 2024.
- At this time no other protected industrial action is being taken across Commonwealth employers.

AFP bargaining

- Australian Federal Police employees agreed an enterprise agreement in November 2025, with 52 per cent support from participating employees.
- The new agreement was approved by the FWC on 2 December 2024.

Background

The *Public Sector Workplace Relations Policy 2023* was released in March 2023. The Policy contains separate arrangements for APS and non-APS agencies.

APS agencies employ staff under the *Public Service Act 1999*. Non-APS agencies employ staff under enabling legislation other than the *Public Service Act 1999*.

APS service-wide bargaining

Since 1997, Commonwealth agencies have bargained enterprise agreements as individual enterprises, subject to provisions of the government's policy of the day. Over time, this resulted in increasing gaps in remuneration and differences in conditions between agencies.

The Government identified that addressing the discrepancies in remuneration and conditions of employment between agencies was key for re-establishing the Commonwealth as an employer of choice.

The Policy sets the Government's expectations and preferred approach for APS service-wide bargaining and provided the setting to begin addressing the disparity in pay and conditions across the APS.

Service-wide bargaining for common conditions was led by the APSC, with agencies retaining the ability to bargain on matters necessary to support their specific operating model.

The APSC commenced consultations on service-wide bargaining with employees, agencies and unions in October 2022. Sixty-six bargaining meetings were held between unions, employee bargaining representatives and the Chief Negotiator.

Direct consultation with APS employees was facilitated through surveys and an APS Bargaining Newsletter, with additional information distributed by agencies and available on the APSC's website.

Broad support between bargaining parties was reached in November 2023. The *Statement of Common Conditions* was released on 30 November 2023 and provided 59 APS-wide common conditions.

Resourcing

The government committed \$2.6 million in 2022-23 and \$2.8 million in 2023-24 to deliver service-wide bargaining. This funding was provided via 'An Ambitious and Enduring APS Reform Plan' in the October 2022-23 Budget.

Non-APS bargaining

Under the Policy, non-APS agencies are encouraged to bargain with employees to replace enterprise agreements that have passed their nominal expiry dates. Agencies are permitted to make remuneration and conditions adjustments to ensure enterprise agreements meet the needs of the agency and employees.

Non-APS bargaining parameters were released by the APSC on 31 October 2023 outlining Government expectations on remuneration and conditions adjustments. Wage offers in the non-APS are informed by the Government's APS pay offer. Non-APS agencies may adopt APS common conditions if they meet their operational needs.

Government Business Enterprises, Public Non-financial Corporations, Public Financial Corporations, the Australian National University, the Australian Broadcasting Corporation

and the Special Broadcasting Service are encouraged to apply the Policy, taking into account the commercial nature of their operations.

Supporting information

Questions on Notice

- Ref Q0651 -SQ24-000134 - Fair Work Commission Matters. Finance and Public Administration Committee, Prime Minister and Cabinet Portfolio, 14 June 2024. Date of response 24 July 2024.
- Ref Q0688 – SQ24-000199. Election commitments – tracking. Finance and Public Administration Committee, Prime Minister and Cabinet Portfolio, 14 June 2024. Date of response 25 July 2024.

Freedom of Information (FOI) Requests

- Various FOI requests were received during service-wide bargaining, and in relation to bargaining for the AFP enterprise agreement.
- There are no outstanding FOI requests of note.

Recent Ministerial Comments

- Nil

Relevant Media Reporting

[Labor accused of budgeting for 20,000 fewer bureaucrats](#)

Greg Brown, *The Australian*, 10 February 2025

The Australia reported the Coalition has stated that Parliamentary Budget Office analysis has calculated the budgeted funding for Commonwealth public sector wages would see the workforce drop from 209,150 this financial year to 189,025 by 2027-28. The article reports the PBO analysis, commissioned by the Coalition, showed that maintaining the public service workforce at 209,000 would cost an extra \$11.1bn over four years.

[Gallagher tries to explain an unexplainable \\$7.4 billion public wages black hole](#)

Michael Read, *Australian Financial Review*, 12 January 2025 – 13 November 2024

The AFR published a series of articles questioning the credibility of forecasts of the public sector wages bill. The articles note that public sector wage expenses are forecast to plateau at \$30 billion between mid-2025 and 2028, despite annual pay increases in enterprise agreements and the Government's commitment to continue reducing outsourcing. The articles quote Senator Hume stating the Opposition will seek question the Department of Finance on the costings in Senate Estimates.

[AFP wage deal finally limps home](#)

Julian Bajkowski, *The Mandarin*, 19 November 2024

The Mandarin reported that Australian Federal Police employees had accepted an 11.2% wage increase, with 52% of staff voting yes in the enterprise agreement ballot. The article quotes the Australian Federal Police Association calling the result a 'hollow victory' and vowing to campaign to for future bargaining to be decoupled from restrictive Government policy.

Date Cleared: 13 February 2025
Cleared by (SES): James O'Reilly
Telephone No: s 47F
Group/Branch: Workplace Relations
Contact Officer: s 47F
Telephone No: s 47F
Consultation: Department of Finance
PDR Number: SB25-000022



ADDITIONAL ESTIMATES – FEB 2025

APS Public Holiday substitution

KEY MESSAGES

- The *Fair Work Act 2009* permits substitution of a declared public holiday by agreement between an employer and employee where included as a term in a modern award or an enterprise agreement (subsection 115(3)).
- Public holiday substitution has been a longstanding condition across Commonwealth enterprise agreements.
- As an outcome of APS-wide bargaining, all APS and most non-APS enterprise agreements now include a public holiday substitution term.
- This provides flexibility to Commonwealth agencies as a model employer.

FACTS AND FIGURES

- On 19 April 2022, the Australian Public Service Commission issued a circular announcing the Morrison Government decision to amend the *Public Sector Workplace Relations Policy 2020* (the 2020 Policy) to require new enterprise agreements not allow the substitution of Australia Day, Anzac Day and the Queen's Birthday public holidays.
- The circular was removed from the Commission's website following approval from the Minister for the Public Service on 13 September 2022. No new Commonwealth agency enterprise agreements were negotiated between 19 April and 13 September 2022.
- The *Public Sector Interim Workplace Arrangements 2022* (the Interim Arrangements) was released on 6 October 2022 and replaced the 2020 Policy. The Interim Arrangements and the current *Public Sector Workplace Relations Policy 2023* removed restrictions regarding public holiday substitution.

QUESTIONS AND ANSWERS

Do APS employees receive a financial benefit from substituting a public holiday?

- Commonwealth employees do not receive financial benefit by substituting the declared public holiday.
- Where there is agreement for an employee to make a substitution, the employee works on the declared day as a normal day with normal pay and the substituted day becomes the public holiday for that employee.



If an APS workplace is closed, and is not providing services due to the public holiday, can an employee still elect to work on that day even if there is no work to perform?

- Substitution of a public holiday requires that the employer (the APS agency) agrees that the employee may work on the public holiday.
- Each agency is best placed to determine if there is sufficient work that could be undertaken on the declared public holiday, given the nature of the work performed by the agency, and the impact on business operations for employees taking a future day in lieu.

How many APS employees substituted public holidays in 2024?

- The APSC does not keep central data on substitution of public holidays across the Commonwealth Public Sector. This is a matter dealt with by agencies in the context of their operations.

BACKGROUND

- Public holidays form part of the National Employment Standards (NES). The NES apply to employees covered by the national workplace relations system – this includes but is not exclusive to Commonwealth public servants.
- An award or agreement may include provisions for an employee and an employer to agree to substitute a gazetted public holiday or part-day for another day or part-day.
- The *Fair Work Act 2009* provides this entitlement for award/agreement-free employees.
- Many Modern Awards include the ability for substitution of public holidays, including the General Retail Industry Award 2020 and the Banking, Finance and Insurance Industry Award 2020.

MEDIA

- *No recent media*

OTHER RELEVANT MATERIAL

Substitution of public holidays by agreement was discussed at the Estimates hearing of 14 February 2023. Questions asked included whether data was collected on the frequency of public holiday substitution, processes for seeking agreement, consultation on the process to revoke the Morrison Government's decision, the rate of payment applied should an employee work on the declared public holiday and arrangements for *Members of Parliament (Staff) Act 1984* employees. These questions were taken on notice, and responses were provided.

TIMELINE - Nil



CLEARANCE SUMMARY

Jasmine Millar Acting Assistant Commissioner	Workplace Relations	Clearance date 15 January 2025	s 47F
s 47F	Social and Conditions Policy	s 47F	
Finance team quality assurance	<Name>	Finance QA date <Date>	
Consultation	<Groups, or Nil>	Is content sensitive? ¹	Choose answer

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

ESTIMATES BRIEF – Hot Issue**APS REFORM PROGRESS**

Additional Estimates – Feb 2025

Progress of APS Reform**Subject/Issue**

The APS is implementing the Government's plan to strengthen the APS through public sector reform.

Key facts and figures

- In October 2022, the Government announced the APS Reform agenda to further strengthen the public service and allocated \$72.9 million in funding over three years, including:
 - \$40.8 million over three years to deliver immediate benefits for the public sector and broader Australian public,
 - \$25 million to establish an APS Capability Reinvestment Fund, and
 - \$7.1 million reprioritised from existing resources, to establish the APS Net Zero Unit in the Department of Finance.
- In the 2023-24 Budget, funding to support APS Reform included:
 - \$8.4 million from the Contingency Reserve to build capability under the first round of the Capability Reinvestment Fund,
 - \$10.9 million to establish an in-house consulting function, and
 - \$3.4 million to boost First Nations employment in the APS.
- On 5 December 2024, Minister Gallagher delivered the second Annual Statement and released the second Annual Progress Report on APS Reform. The report highlighted progress toward APS Reform priorities with 22 of 59 initiatives complete (38%) and 37 initiatives led by 9 departments and agencies underway (62%). Table 1 refers.

	On hold	Design	Planning	Delivery	Complete	Total
Stage 1	1	0	5	17	21	44
Stage 2	0	8	3	3	1	15
Total	1	8	8	20	22	59
%	-	14%	14%	34%	38%	

Table 1: Summary of initiatives by stage of project lifecycle.

Key points

Achievements under Pillar 1: an APS that embodies integrity in everything it does

- The Public Service Amendment Act 2024 received Royal Assent, locking in changes to the Public Service Act 1999 that will strengthen the APS's integrity, including adding a new APS Value of Stewardship and strengthening the Public Service Act to make it clear that Ministers cannot direct Agency Heads on employment matters.
- Parliament passed amendments to the Public Service Act 1999 to clarify the powers of the APS Commissioner to inquire into and determine alleged breaches of the Code of Conduct by current and former Agency Heads.

Achievements under Pillar 2: an APS that puts people and business at the centre of policy and services

- The Government launched the Charter of Partnerships and Engagement, setting out principles for the APS to genuinely partner and engage with people, communities and non-government sectors to inform policy and program development.
- The Government released the final Data and Digital Government Strategy setting a vision for delivering simple, secure and connected public services through world class data and digital capabilities.

Achievements under Pillar 3: an APS that is a model employer

- Over 100 APS agencies participated in service-wide bargaining and have incorporated 59 common conditions into their enterprise agreements.
- The 2024 APS Employee Census results highlighted 82% of staff are satisfied with non-monetary employment conditions, an increase of 8% from 2023 Census results.
- The APSC published the Culturally and Linguistically Diverse Strategy and Action Plan.

Achievements under Pillar 4: an APS that has the capability to do its job well

- The Capability Reinvestment Fund has funded 19 innovative capability building projects, including ten projects completed as part of round one and nine new projects launched this financial year.
- Changes to the Public Service Act 1999 that came into effect on 11 December 2024 require that all departments of state, Services Australia, the Australian Taxation Office and the APSC participate in a capability review every five years.

APS REFORM PROGRESS

- As at January 2025, seven capability reviews have been completed.
- Australian Government Consulting (AGC) has completed fifteen engagements, including nine projects, for clients across the APS. AGC is on track to deliver at least 15 projects by the end of 2024-25.
- APS Agencies committed to bringing core public service work back in-house in 2024–25 to the value of around \$527 million.

Background

APS Reform is based on four pillars, to create an APS that: (1) embodies integrity in everything it does; (2) puts people and business at the centre of policy and services; (3) is a model employer; and (4) has the capability to do its job well.

The APS Reform agenda draws on a broad set of source material, including the 2019 *Independent Review of the APS* (the 'Thodey Review'); the Government's election commitments; lessons learned from the COVID-19 pandemic; past reform activities undertaken across the APS; elements of the National Agreement on Closing the Gap; and international experience of public sector reform, including in the UK and New Zealand.

On 1 November 2023, Minister Gallagher announced the second stage of APS Reform with 15 new initiatives in addition to the established 44 initiatives, focussed on three priority areas where there is the greatest need for ongoing reform: to bolster integrity, build an outwardly-engaged APS and continue to strengthen capability.

Supporting information

Questions on Notice

- No QoNs asked

Freedom of Information (FOI) Requests

- FOI request (LEX1230). Work with Purpose podcast - Publishing: Institute of Public Administration Aust. Response provided on 12 December 2024.
- FOI request (LEX1077). Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response provided on 30 September 2024.

Recent Ministerial Comments

- On 5 December 2024, Senator the Hon Katy Gallagher delivered the second Annual Statement on APS Reform.
- On 19 September 2024, Senator the Hon Katy Gallagher announced the Government has legislated paying superannuation on Paid Parental Leave with the passage of the Paid Parental Leave Amendment Bill 2024 in the Senate.
- On 15 August 2024, Senator the Hon Katy Gallagher announced new data released by the ABS shows the national gender pay gap fell to 11.5 per cent from 12 percent in November 2023.
- On 13 August 2024, Senator the Hon Katy Gallagher announced legislation to an express power for the Australian Public Service Commissioner to investigate former agency heads for alleged breaches of the APS Code of Conduct and make determinations.
- On 25 July 2024, Senator the Hon Katy Gallagher announced from 1 January 2025, all government agencies will be required to meet 3 new standards (the Digital Inclusion Standard, the Digital Access Standard and the Digital Performance Standard) which are aimed at improving the experience for people and businesses interacting with government online.
- On 2 July 2024, Senator the Hon Katy Gallagher announced from July 1, parents will receive 22 weeks of Paid Parental Leave, up from 20 weeks, resulting in more support as parents take time out of work to care for their newborn.

Relevant Media Reporting

- [Albanese squibs on APS independence](#), Andrew Podger, The Mandarin, 10 January 2025
- [Unbelievable amount the Albanese government has spent on producing six podcasts - and most Aussies will never have heard of them before | Daily Mail Online](#), David Southwell, Daily Mail Australia, 12 December 2024
- [Rebuilding public service from politicisation and externalisation - Pearls and Irritations \(johnmenadue.com\)](#), By [Michael Lester](#) and [Andrew Podger](#), Pearls and Irritation, 23 September 2024
- [Gordon de Brouwer's astute invitation to APS leaders \(themandarin.com.au\)](#) Melissa Coade, The Mandarin, 20 September 2024
- [Official stewardship guidance to be released in December \(themandarin.com.au\)](#), Dan Holmes, The Mandarin, August 29, 2024
- [New powers to bolster accountability for Robodebt](#), Kat Wong and Tess Ikonomou, The Canberra Times, 13 August 2024
- [What APS officers say they really, really want \(themandarin.com.au\)](#), Trish Bergin and Nick Sellars, The Mandarin, 25 July 2024
- [A serious APS reform package that should attract wide support](#), Andrew Podger, The Mandarin, 9 July 2024
- [Restoring integrity to the Australian Public Service - Pearls and Irritations \(johnmenadue.com\)](#), Andrew Podger, John Menadue Australia, 5 July 2024
- [APSC didn't have a written integrity plan in 2024](#), Dan Holmes, The Mandarin, 24 June 2024.
- [Public service politicisation a concern for opposition waste watcher \(themandarin.com.au\)](#), Dan Holmes, The Mandarin, 19 June 2024
- [APS invests in new measures - ExecutiveCareer](#), Executive Career, 17 June 2024
- [More APS Reform projects funded to build capability | Riotact \(the-riotact.com\)](#), Chris Johnson, PS News, 15 June 2024
- [Pocock calls for government to be hungrier for APS reform \(themandarin.com.au\)](#), Melissa Coade, The Mandarin, 14 June 2024
- [Independent inquiry launched into NACC decision not to probe Robodebt referrals](#), Matthew Doran, ABC, 13 June 2024
- [New laws limit ministerial directions to agency heads - Government News](#), Judy Skatssoon, Government news, 22 May 2024
- [APS gets further independence from ministerial interference | PS News](#), Chris Johnson, PS News, 20 May 2024
- [APS rehabilitation laws pass Senate unmolested \(themandarin.com.au\)](#), Julian Bajkowski, The Mandarin, 17 May 2024
- [Albanese government announces \\$1bn APS savings in budget | Inner East Review | Melbourne, Victoria](#), Miriam Webber, Inner East Review, 4 May 2024

Date Cleared: 01/02/2025
Cleared by (SES): Dr Rachel Bacon
Telephone No: S 47F
Group/Branch: Integrity, Reform and Enabling Services, APS Reform Branch
Contact Officer: S 47F
Telephone No: S 47F
Consultation: Nil
PDR Number: SB25-000023

ESTIMATES BRIEF – Hot Issue**PUBLIC SECTOR BOARD APPOINTMENTS**

Additional Estimates – Feb 2025

Review of PS Board Appointments**Subject/Issue**

Ms Lynelle Briggs AO undertook a review of public sector board appointments processes. Ms Briggs' report is being considered by the Australian Government.

Key facts and figures

- Review commenced on 5 February 2023.
- Terms of Reference are on the APS Reform website.
- Final report is with government for consideration.
- The government has committed to publishing the review report.

Key points

- When the APS Reform agenda was announced in October 2022, a review of arrangements and processes for appointments to public sector boards was also announced.
- The government appointed Ms Lynelle Briggs AO to undertake the review.
- The purpose of the review was to consider and propose appropriate standards for the processes by which board members are appointed to government boards.
- The review focussed on:
 - clarifying the role of public sector boards and what skills and processes are needed
 - options for transparent processes to identify and recruit board members
 - how ministers are advised on selection of board members
 - improving the diversity of board membership (including gender, CALD, First Nations and geographic representation on public sector boards).
- Ms Briggs also considered how arrangements and processes may be used to enhance integrity and trust in the institutions of government.
- The review did not examine current or past board appointments or appointment processes related to specific individuals.

Why hasn't the review been published?

- The timing of the publication of the report is a matter for government.
 - The review affects all portfolios.
 - Many boards are governed by multiple and different pieces of legislation.

When will it be published?

- The final report was provided to the government in August 2023.
- The timing is a matter for government.
- The government will consider the report and all the recommendations prior to publication.

How much did the review cost?

- The contract value was \$160,000 (exc. GST) or \$176,000 (incl. GST).

Background

The review was conducted by Ms Lynelle Briggs AO between February and August 2023. Ms Briggs was supported by a small secretariat in the Department of the Prime Minister and Cabinet to assist with the administration of the review. She brought extensive public sector experience in both the Commonwealth and other jurisdictions.

Ms Briggs was the CEO of Medicare Australia, overseeing the significant service reform merging Medicare, Centrelink and the Child Support Agency, and was the Australian Public Service Commissioner for 5 years. She has served on several public and private sector boards and has conducted a number of reviews for various government agencies and ministers.

How was Ms Briggs appointed?

Ms Briggs was appointed through a limited tender process. She met the specific and unique requirements needed to lead and conduct the review. The procurement process was carried out in accordance with the Commonwealth Procurement Rules. This included an assessment against objective criteria to ensure suitability to meet the requirements of the contract.

Supporting information

Questions on Notice

- PQiW379 - PQ23-000015 - Public Sector Board Appointments Final Report. House of Reps Question on 14 November 2023. Answered on 15 December 2023.
- Ref Q0067 - SQ24-000227 - Senator Hume. Review of Public Sector Board Appointments. Estimates on 24 October 2023. Answered on 13 December 2023.

Relevant correspondence

- Letter from Senator David Pocock (MC24-000209) on 29 August 2024 seeking release of the Final Report and intention to seek an Order for Production of Documents. Minister Gallagher responded on 13 September 2024.

Freedom of Information (FOI) Requests

- FOI requests (LEX 744 & LEX1077) are registered on the [APSC Website](#) FOI Disclosure Log.

Recent Ministerial Comments

- Nil

Relevant Media Reporting

- [Public sector appointment report 'nowhere to be seen': Scamps](#), The Canberra Times, 26 August 2024
- [Margin Call](#), The Weekend Australian, 17 August 2024
- [Opposition goes postal on Palaszczuk job 'hypocrisy'](#), West Australian, 17 August 2024
- [Restoring Integrity to the Australian Public Service](#) - Paper by Andrew Podger on APS integrity *Pearls and Irritations*, 5 July 2024.
- [Reform on roids? Up the dosage](#), Paddy Gourley, Canberra Times, 15 April 2024.

PUBLIC SECTOR BOARD APPOINTMENTS

Date Cleared: 01/02/2025
Cleared by (SES): Dr Rachel Bacon
Telephone No: s 47F
Group/Branch: Integrity, Reform and Enabling Services, APS Reform Branch
Contact Officer: s 47F
Telephone No: s 47F
Consultation: Nil
PDR Number: SB25-000024

ESTIMATES BRIEF – Hot Issue**PS ACT CHANGES**

Additional Estimates – Feb 2025

Public Service Act Legislation changes**Subject/Issue**

The Government has made key changes to the *Public Service Act 1999* that commenced on 11 December 2024, to further build public service integrity. These changes strengthen the APS's core values, build capability and expertise and support good governance, accountability and transparency.

These changes are in addition to the amendments to the APS Commissioner's Code of Conduct inquiry powers in the Public Service Act to ensure the accountability of former Agency Heads that came into effect on 27 August 2024.

Key facts and figures

There were two sets of changes to the Public Service Act 1999 in 2024:

- On 26 August 2024, the *Public Service Amendment (No.2) Act 2024* received Royal Assent, commencing the following day.
- On 11 December 2024, changes made by the *Public Service Amendment Act 2024* commenced.

Key points*Public Service Amendment Act 2024 (Royal Assent – June 2024)*

- The APS Commissioner's powers to investigate alleged Code of Conduct breaches by former Agency Heads were clarified through changes made by the *Public Service Amendment (No. 2) Act 2024*.
- The *Public Service Amendment Act 2024* that commenced on 11 December 2024 included the following changes:
 - Adding a new APS Value of Stewardship that all APS employees and Agency Heads must uphold.
 - Adding a requirement to undertake regular, independent and transparent capability reviews of APS agencies to build organisational capacity and accountability, and publication of an action plan responding to the findings of each review.
 - The establishment of long-term insights briefings on topics that matter to the Australian community.
 - A requirement for APS Agencies to publish aggregate APS Employee Census results, along with an action plan responding to the results.

- Strengthening provisions in the Act to make it clear that Ministers cannot direct Agency Heads on employment matters.
- A requirement for Agency Heads to put in place measures that enable decisions to be made by APS employees at the lowest appropriate classification.
- Updating the definition of ‘outsider’ to exclude Australian Defence Force (ADF) members so an Agency Head can delegate their functions to members of the ADF without first seeking the Australian Public Service Commissioner’s approval.
- The changes:
 - Strengthen the APS’s core values,
 - Build the capability and expertise of the APS, and
 - Support good governance, accountability and transparency.
- The *Public Service Amendment Act 2024* responded to the issues raised in the reports by the Finance and Public Administration Legislation Committee and the Senate Standing Committee on the Scrutiny of Bills and the accompanying commentary by:
 - Requiring that capability reviews and long-term insights reports are tabled in both houses of the Parliament,
 - Requiring Ministerial consultation be undertaken as part of the capability review of an agency, and
 - Removing the requirement for Secretaries Board to develop an APS Purpose Statement.

Why were the changes criticised?

- The *Public Service Amendment Act 2024* has been criticised for not taking ambitious enough steps in response to integrity-related matters.
 - The changes implement foundational elements of the Government’s APS Reform Agenda announced in October 2022.
 - The Government’s approach to achieve long-lasting reform is through a manageable and staged implementation process.
 - The Amendment Act is a first legislative step to create a foundation that can continue to be built on in the long term.

Public Service Amendment (No. 2) Act 2024 (Royal Assent – August 2024)

- The need to amend the law to ensure that former Agency Heads could be the subject of Code of Conduct inquiries arose during the operation of the Centralised Code of Conduct Taskforce, following the Royal Commission into the Robodebt Scheme.
- These changes ensure former Agency Heads can be held accountable for breaches of the Code of Conduct at any time during their appointment even after they have left the APS, in the same way as former APS employees.

Background

Public Service Amendment Act 2024

In October 2022, the Government announced its APS Reform Agenda and signalled its intent to introduce changes to the *Public Service Act 1999*.

On 11 June 2024 the *Public Service Amendment Act 2024* received Royal Assent, and commenced on 11 December 2024 following a 6 month implementation period.

Why don't the legislative changes in the *Public Service Amendment Act 2024* go further?

The Amendment Act implements the foundational elements of the legislative measures of the Government's APS Reform Agenda announced in October 2022. The Government is delivering APS Reform in a staged and sequenced way. The Amendment Act creates a foundation upon which reform can build in the long term. Additional initiatives on integrity, capability and an outwardly engaged APS were announced on 1 November 2023.

Why were amendments to legislation necessary for measures that are already being undertaken?

Reforming an organisation as large as the APS takes time and sustained effort. The amendments aim to ensure enduring reform by clearly establishing and embedding the expectations of the APS. While legislative reform on its own is not enough to change culture, it will set in train some foundational elements to ensure a strong base from which to build over the longer term.

Why doesn't the *Public Service Amendment Act 2024* include a diversity and inclusion measure?

The APS Employment Principles in section 10A of the *Public Service Act* provide that the APS is a career-based public service that recognises the diversity of the Australian community and fosters diversity in the workplace. The requirements of the Employment Principles have equal weight and centrality to the APS integrity framework as the APS Values and Code of Conduct.

One of the key pillars of APS Reform is for the APS to be a model employer. The APS already has a number of existing diversity and inclusion strategies and agency performance targets in place. This includes the APS Culturally and Linguistically Diverse (CALD) Employment Strategy, published in April 2024.

Public Service Amendment Act (No. 2) Act 2024

Why was it necessary to introduce legislation specifically to investigate former agency heads for breaches of the APS Code of Conduct in relation to the Robodebt Scheme?

In the course of the Robodebt Code of Conduct inquiries, former Agency Heads claimed the APS Commissioner was unable to investigate or make determinations about their conduct, as the Act did not expressly refer to former Agency Heads. To ensure accountability for the most senior public servants, the Government amended the *Public Service Act* to expressly provide that the APS Commissioner has the power to conduct investigations into, and make determinations about, Code of Conduct breaches by current and former Agency Heads.

The amendments meet community expectations and ensure current and former Agency Heads, as leaders of the public service, are accountable for breaches of the Code of Conduct during their tenure, just like former APS employees.

Supporting information

Questions on Notice

- No QoNs asked

Freedom of Information (FOI) Requests

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

Recent Ministerial Comments

- Media release by Senator the Hon Katy Gallagher on 13 August 2024 “Taking action to ensure Robodebt accountability”

Relevant Media Reporting

- Commission’s lack of imagination and ambition about fixing the APS Paddy Gourley, 19/11/2024
- Less wriggle room for APS Houdinis to escape accountability, Verona Burgess, 30 August 2024.

Date Cleared: 01/02/2025
Cleared by (SES): Dr Rachel Bacon
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Group/Branch: Integrity, Reform and Enabling Services, APS Reform Branch
Contact Officer: s 47F
Telephone No: s 47F
Consultation: Integrity, Performance and Employment Policy (IPEP) branch, General Counsel Branch
PDR Number: SB25-000025



ADDITIONAL ESTIMATES – FEB 2025

Merit Protection Commissioner - Appointment

KEY MESSAGES

- Ms Jamie Lowe was appointed as the Merit Protection Commissioner from 22 July 2024.

FACTS AND FIGURES

- Ms Jamie Lowe was appointed by the Governor-General on a full-time basis, for a period of five years from 22 July 2024.

QUESTIONS AND ANSWERS

What was the process for Ms Lowe's appointment?

- The Minister for the Public Service asked the Australian Public Service Commission to undertake a merit based recruitment process to fill the position.
- The appointment was subject to a merit and transparency process under the Government's Merit and Transparency Policy.
 - The role was advertised for applications from 20 September to 2 October 2023, with interviews taking place in April 2024.
 - The recruitment panel comprised of senior executives from the Australian Public Service Commission and the Treasury. The Public Service Commissioner chaired the panel.
 - The panel reviewed a competitive field of six applicants with a wide variety of skills, before recommending Ms Lowe be appointed to the role.
- The Role of Merit Protection Commissioner constitutes a significant appointment, requiring consideration by Cabinet.

Who does the Merit Protection Commissioner report to?

- The Merit Protection Commissioner reports to the Minister for the Public Service.
- The Office of the Merit Protection Commissioner is established under the *Public Service Act 1999* and is responsible for a number of statutory functions. These include conducting reviews of workplace actions, promotion decisions, independent merit reviews, and other reviews of decisions, including for misconduct.
- The Office also provides similar services under the *Parliamentary Service Act 1999*.

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Why has the role been vacant for so long?

- The previous Merit Protection Commissioner, Ms Linda Waugh, resigned from the role in October 2022.
- Acting arrangements were in place until Ms Lowe commenced in the role.
- While Ms Lowe was appointed to the role from 22 July 2024, she was granted leave for reasons other than recreation until 30 September 2024 to complete her role as the First Assistant Commissioner leading the Code of Conduct Robodebt Taskforce.

What is the Ms Lowe's remuneration?

- Remuneration for the role is set by the Remuneration Tribunal. As a full-time office holder, total remuneration is \$306,510.
 - On 12 December 2024, the Remuneration Tribunal issued a determination for Ms Lowe to receive a fixed loading of \$61,298 per year, ending on 29 September 2029.

What credentials does Ms Lowe have for the role?

- Ms Lowe has a notable career in the APS with an extensive background in national security and legal policy, from central and policy agencies. She is an experienced SES officer with extensive experience in reviews and complex matters relevant to the role of the Merit Protection Commissioner.
- Prior to her appointment as Merit Protection Commissioner, Ms Lowe led the Code of Conduct Inquiry Taskforce in response to the Robodebt Scheme.

CLEARANCE SUMMARY

s 47F	Executive Officer	Clearance date	s 47F
s 47F	Executive Officer	27 January 2024	s 47F
Consultation	PM&C, Remuneration Tribunal	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

ESTIMATES BRIEF – Hot Issue**DIVERSITY IN THE APS**

Additional Estimates – Feb 2025

Diversity in the APS**Subject/Issue**

In accordance with the *Public Service Act 1999*, the APS is required to foster a workforce that reflects the diversity of the Australian population. This includes representation from people of all ages, cultural backgrounds, people with disability and First Nations people.

The APS strives to set the standard as a model employer by building a workforce that can leverage the rich diversity of employee backgrounds, insights and experience. Reflecting the community enables the APS to deliver better informed policy and services.

All decisions relating to engagement and promotion of employees within the APS are based on merit. Section 10A(2) of the *Public Service Act 1999* requires all eligible members of the community to be given a reasonable opportunity to apply to perform the relevant duties. Diversity initiatives aimed at engaging and promoting employees of diverse backgrounds are undertaken in accordance with a merit-based selection process. Candidates are assessed based on their work related qualities, rather than personal attributes.

Key points**The APS merit principle**

- Agency Heads must uphold the merit principle when engaging or promoting a person in the APS.
- In accordance with the Australian Public Service Commissioner's Directions 2022, 31-33, Agency Heads, may consistently with Commonwealth Law, identify vacancies as only open to certain individuals.
- Affirmative measures provisions may be identified as open only to people with disability or Aboriginal and/or Torres Strait Islander people. Other than setting a limit on the eligibility of candidates to apply for a vacancy, all other requirements for merit apply.

First Nations employment

- The SES100 is a key deliverable from the Boosting First Nations Employment Package. SES100 seeks to attract new SES recruits and promotions to reach 100 First Nations SES staff within the APS by 2025. This aligns with the Government's commitment to boost First Nations employment across the APS to 5% by 2030.

DIVERSITY IN THE APS

- As at 30 June 2023 there were 54 First Nations SES (1.7% of all SES).
- As at 30 June 2024 there were 85 First Nations SES (2.5% of all SES).
- First Nations representation continues to grow. There are currently estimated to be around 95 (approx. 2.9%) First Nations SES in the APS. APSED reporting for 31 December 2024 will be available in March 2025.
- The program launched on 6 November 2023 and received 209 applications and held 90 interviews. Of these, 39 candidates were rated suitable at the SES Band 1, and placed in a merit pool.
- In November 2024, a second SES100 recruitment exercise at the SES Band 1 and Band 2 level commenced, with SES Band 1 generalist and professional streams and SES Band 2 generalist merit pools to be established in March 2025.

CALD employment

- The APS CALD Strategy was launched on 30 April 2024 to improve cultural capability and awareness, promote cultural safety and implement inclusive recruitment practices.
- The APS has a long-term goal of 24% CALD representation in the SES with plans to lift representation from 11% to 15% in three years.
- The Statement of Leadership on Cultural Diversity – the CALD Compact – was released on 2 December 2024 to support leaders with guidance to be more CALD inclusive.
- APSC is coordinating a number of APS-wide initiatives including building cultural capability and mentoring future CALD leaders. The CALD Capability Agency Uplift supports agencies to develop action plans.

Gender equality

- The interim evaluation of the APS Gender Equality Strategy 2021-26 was published in January 2025. The evaluation found that the APS continues to be a leader in gender outcomes and that the greatest impacts were increased leadership action, improved capability and awareness, greater flexibility and/or leave provisions, and improved culture and transparency.
- At 30 June 2024, the APS achieved gender parity across multiple classification levels:
 - Women have reached, and in most cases exceeded, parity with men at every level from APS 1 to SES Band 2.

DIVERSITY IN THE APS

- Women have reached gender parity at the SES Band 2 level (52.4%)
- The APS is close to achieving parity at the SES Band 3 level (49%)
- APS achieved its lowest gender pay gap in December 2023 (4.5%)
- Supported by the Respect@Work guidance and framework, the APSC are implementing tools, education and supports for agencies for the prevention of sexual harassment and similar unlawful behaviours.
- The APSC has developed guidance to assist agencies in supporting employees experiencing family and domestic violence through the delivery of improved workplace arrangements, policies and practices.
- The APSC is developing guidance to assist agencies in supporting employees experiencing symptoms of menopause and perimenopause in the workplace.

Disability employment

- The APSC has established a Disability Royal Commission Discovery Project to support the implementation of the five recommendations focused on improving the attraction and retention of people with disability in the APS.
- Initial work includes an investigation into the feasibility of setting new employment targets, and developing APS-wide workplace adjustment principles and passports.
- The project is seeking input from a cross section of APS employees with disability, managers and business areas within agencies such as IT, property, and human resources.
- Sponsored by the Secretaries Capability and Workforce Committee, the APSC has commenced a project aimed at improving the on-boarding experience of APS employees with disability.

Neurodiversity

- The APSC is responsible for three action items under the inaugural National Autism Strategy 2024-2031, First Action Plan 2024-2026, released by Minister for Social Services, the Hon Amanda Rishworth, MP, in January 2025.
- The actions relate to uplifting the inclusion of autistic people in the APS through innovative hiring practices, mentoring and coaching, and support to the Public Sector Neurodiversity Community of Practice.

APS mental health capability

- The APSC continues to work collaboratively with other agencies to support the mental health capability uplift of APS agencies.
- The APSC updated ADDRESS: An APS model for responding to psychosocial hazards, following the release of the *Work Health and Safety (Managing Psychosocial Hazards at Work) Code of Practice 2024*. The model provides tools to identify and control workplace psychosocial hazards that could arise from, or be caused by, factors such as workplace behaviours, interactions and work environments.
- The APSC is delivering one of three projects under a Comcare-led initiative to build safety and integrity capability across the APS. The project aims to embed signature relational leadership behaviours in SES staff via an interactive skills lab and mentoring sessions.

Shifting international approach to diversity and inclusion

- On 20 January 2024, US President Donald Trump issued an executive order terminating all diversity, equity, inclusion and accessibility mandates, programs, preferences and activities in the United States Federal Government.
- Media have reported that several US companies have scaled back their workplace diversity and inclusion programs and initiatives, following the US Government decision.
- In Australia, evidence from the Diversity Council of Australia indicated that there has been an increase in opposition towards Australian workplace diversity programs (from 3% in 2017 to 7% in 2024).
- Australia has a strong legislative framework underpinning workplace equality and the elimination of discrimination.

Background

The APSC has delivered five workforce strategies to drive a diverse and inclusive APS workforce:

- APS Workforce Strategy 2025
- Commonwealth Aboriginal and Torres Strait Islander Strategy 2020-24
- APS Disability Employment Strategy 2020-25
- APS Gender Equality Strategy 2021-26
- APS Culturally and Linguistically Diverse Employment Strategy and Action Plan.

The strategic approach to diversity and inclusion across the APS is strengthened by the appointment of whole of APS Champions:

- First Nations Champion – Secretary Katherine Jones PSM, Attorney Generals Department
- CALD Champion – Secretary Jim Betts, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, and
- Disability Champion – Secretary Michael Lye, Department of Social Services

First Nations

The APSC has established a dedicated First Nations Unit to drive efforts to increase representation in senior leadership roles and increase cultural competency.

The SES100 seeks to boost the representation of First Nations people at the SES levels to 100 by June 2025. This ensures First Nations participation in decision-making processes across the APS.

As part of SES100, the First Nations Unit provides wrap around end to end support to candidates and SES units through the recruitment and on-boarding process, intensive leadership development program, career coaching and mentoring.

As part of the updates made to the APS Enterprise Agreement in 2024, all Executive Level 2 (EL2) staff are required to complete mandatory cultural competency training to foster safe and inclusive workspaces for First Nations staff. The APSC has three cultural eLearning training packages available to APS staff to support the uplift of cultural capability - the Cultural Capability Hub, NIAA's Footprints Framework and CORE: Cultural Learning: Aboriginal and Torres Strait Islander Australia from AIATSIS.

CALD

The APSC through the APS CALD Strategy is working with Home Affairs' Multiculturalism Framework, and the Australian Human Rights Commission's National Anti-Racism Framework.

The APS CALD Strategy is implementing whole of APS initiatives to address a reform program of Five Headline Actions: Whole of APS standards, Cultural understanding, Leadership and management, Recruitment and progression, and Representation.

Disability

The Government is committed to a target of 7% employees with disability by 2025.

At 30 June 2024, 5.6% of employees identified as having disability in their agency human resources information system. In the de-identified 2024 APS Employee Census, 11.7 per cent of respondents identified as having disability. The discrepancy in data between the two data sets is 6.1%

To increase transparency, the mid-strategy evaluation of the APS Disability Employment Strategy 2020-25 was published on the APS Commission's website earlier this year.

Neurodiversity

The APS is working to improve understanding and acceptance of neurodiversity in its workplaces. Released in January 2025, the inaugural National Autism Strategy 2024-2031, and National Autism Strategy First Action Plan 2025-2026. The APSC is delivering on three actions for the inclusion of Autistic people - innovative hiring practices, mentoring and coaching opportunities, and supporting the Public Sector Neurodiversity Community of Practice.

Gender

The APSC is working on advice to support agencies to build their understanding of workforce gender data. Information on APS gender pay gap data is publicly reported in the APS Commission's State of the Service Report and APS Remuneration Report

Respect@work and sexual harassment in the APS was raised at a number of the last few estimates. Work is underway to improve education including on-boarding of graduates with regard to values and respectful behaviours.

In June 2024 the Workplace Gender Equality Agency (WGEA) released the Commonwealth Public Sector Gender Equality Scorecard: Key Employer Results from 2022. The Scorecard reveals that across the Commonwealth public sector, 48% of employers have a gender-balanced workforce. This is substantially higher than the private sector result of 27%. WGEA will also publish Commonwealth employer gender pay gap data in 2025.

The Government response to the Senate Inquiry into Perimenopause and Menopause is due for release shortly. The report contains 25 recommendations and details a vision that identifies and addresses the economic, physical, mental and financial impacts of menopause and perimenopause. The APSC is reviewing recommendations that may have an impact on the APS workforce. Employees in the APS are already able to access a range of leave entitlements and flexibilities.

Mental health and wellbeing

The APS Mental Health and Suicide Prevention Unit is a centre of expertise for the APS to promote development of workforce literacy, wellbeing, psychological safety and suicide prevention.

The APS Mental Health Capability Framework provides the foundation for all programs of work being progressed by the Unit, and an overarching architecture for agencies. By helping agencies increase their overall workplace psychological safety, the Unit is supporting agencies to build safe and inclusive work environments for all staff. The Unit's resources are available for free to all APS agencies via the APS Mental Health Capability Hub on APSLearn. Examples of the Unit's resources are the ADDRESS model and guidance around psychosocial hazard management and the 6R Relational Leadership Capabilities: Self-Reflection Tool, which facilitates a culture of pro-integrity, stewardship, psychosocial safety and high performance.

Supporting information

Questions on Notice

- No QoNs asked

Freedom of Information (FOI) Requests

- No FOIs asked

Recent Ministerial Comments

- [Release of the first National Autism Strategy](#), Media release from The Hon Amanda Rishworth MP, Minister for Social Services, 14 January 2025
- [Paid Family and Domestic Violence Leave helping workers cope in crisis](#), Media release from Senator the Hon Katy Gallagher, Minister for Women, 9 October 2024
- [Paying superannuation on Paid Parental Leave](#), Media release from Senator the Hon Katy Gallagher, Minister for Women, 22 August 2024
- [Gender pay gap drops to historic low](#), Media release from Senator the Hon Katy Gallagher, Minister for Women, 15 August 2024
- [Progress on gender equality in the public sector](#), Media release from Senator the Hon Katy Gallagher, Minister for Women, 20 June 2024
- [A new strategy to achieve culturally representative leadership in the APS](#), Media release from the Hon Patrick Gorman, Assistant Minister for the Public Service, 30 April 2024

Relevant Media Reporting

Diversity and Inclusion

- [Standing Firm Could the Donald Trump effect threaten Australia's workforce diversity](#), SBS News, 16 February 2025
- [Departments reveal how many diversity and inclusion roles exist](#), The Sydney Morning Herald, 16 February 2025
- [The business case for diversity is not always clear-cut](#), Australian Financial Review, 6 February 2025
- [Defence's DEI distraction: Opposition lashes \\$130k 'diversity and inclusion' role](#), The Daily Telegraph, 3 February 2025
- [Trumps diversity pushback gathers pace in Australia](#), The Sydney Morning Herald, 1 February 2025
- [Dutton calls out APS diversity jobs](#), The Canberra Times, 1 February 2025
- [Calls to wind back woke workforces are hysterical and incredibly shortsighted](#), The Canberra Times, 29 January 2025
- [No US-style anti-diversity push here: super boss](#), The Age, 30 January 2025
- [Wind back on diversity targets 'may be justified'](#), The Canberra Times, 29 January 2025
- [Follow Trump's lead on gender choices: Coalition MPs](#), Australian Financial Review, 22 January 2025
- ['Kindness' key message as staff return](#), The Canberra Times, Monday 20 January 2025.
- [DEI backlash: Australian companies mostly stay silent on the future of diversity, equity and inclusion programs](#), Euan Black, Australian Financial Review, 19 January 2025.
- [Workers push back against DEI programs](#), Euan Black, Australian Financial Review, 16 January 2025.

First Nations

- [Indigenous public service executives hit all-time high](#), Dan Holmes, The Mandarin, 26 November 2024

Gender

- [APS is making good progress on gender equality: Report](#), The Mandarin, 3 February 2025
- [Parliament House Allegations Persist](#), Dana Daniel, The Canberra Times, 30 November 2024.
- [Workplace Gender Equality Agency reveals 'positive progress' in workplaces](#), Duncan Evans, The Australian, 11 November 2024
- [Secrecy clauses loophole in harassment cases...](#), Dana Daniel, The Canberra Times, 8 November 2024
- [APS sex harassment rife](#), Eleanor Campbell, The Canberra Times, 12 August 2024

Disability

- [The neurodiversity network helping change the APS](#), Lucy Arundell, The Canberra Times, 21 September 2024

Date Cleared:	20/01/2025
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Consultation:	Nil
PDR Number:	SB25-000028

ESTIMATES BRIEF – Hot Issue**CALD**

Additional Estimates – Feb 2025

APS CALD Strategy**Subject/Issue**

- The APS Culturally and Linguistically Diverse Employment Strategy and Action Plan (CALD Strategy) addresses issues that affect CALD people working in the APS.
- The Government is committed to ensuring the APS workforce reflects the diversity of the Australian community, is inclusive and respectful and leads the way as a model employer.
- This is not only a case for equity, but also for productivity. Ultimately everything the APS does is for the purpose of advising government and serving the Australian community. A critical factor in developing advice and delivering services is having diversity of ideas.¹
- Cultural diversity is critical for cognitive diversity, which enhances understanding in service delivery, creativity in problem solving and judgement in decision-making. Currently the APS is not accessing the full range of skills and experience from the Australian community.
- In 2013, the APSC Commissioners function Public Service Act 1999 was amended (s41 (2) (d)) to foster an APS workforce that reflects the diversity of the Australian population. Prior to the amendment in 2013, in the Public Service Act 1999 responsibility for establishing workplace diversity programs sat with Agency Heads.
- In addition, the *Racial Discrimination Act 1975* (s2 (9-10)) mandates racial discrimination to be unlawful as well as rights to equality before the law.
- The CALD Strategy sits alongside the **Australian Human Rights Commission's Anti-Racism Framework** in the broader context of the Government's work relating to multiculturalism. The APSC is engaging with the Australian Human Right Commission on the implementation of the National Anti-Racism Framework, launched on 26 November 2024.

Key facts and figures

- The CALD Strategy recommended tracking representation twice yearly and reporting against the SES Benchmark of 24% for the 20 Lead Agencies.

¹ [APS CALD Employment Strategy and Action Plan, Minister's Forward, page 4.](#)

- Currently, SES representation sits at 11%, with the benchmark requiring incremental improvement of 2% each year.
- To achieve the benchmark of 24% there are three interim benchmarks over the six year term of the Strategy: 13% in year 2, 15% in year 4 and 17% in year 6, with a clear ongoing trajectory towards 24%.0
- The next interim benchmark of 13% is set for October 2025.
- APSC track improvements in the SES CALD representation twice yearly following the release of the APSED data and report to the Secretaries Board. Attachment A shows the baseline data for the lead agencies of the APS for CALD representation at the EL2 to SES Band 1 levels.

Key points

- The first objective of the CALD Strategy is to ensure a safe, equitable and inclusive workplace that is free from racism, discrimination, bullying and harassment.
- The APSC has commenced implementation of a range of whole-of-APS initiatives that collectively address the five Headline Actions of the Strategy: Whole of APS standards, Cultural understanding, Leadership and management, Recruitment and progression, and Representation.
- The CALD strategy supports the application of the merit principle by creating a level playing field where all individuals are assessed for advancement based on their qualification, experience, and performance, rather than cultural background or language.
- The strategy promotes recruitment and selection practices that are free from unconscious biases, which may disadvantage CALD candidates. The APSC will work with the Merit Protection Commission to ensure that better guidance is provided to agencies to assist with the application of merit. In addition, headline action projects will seek to dissolve the barriers to recruitment and progression across the APS.
- The APS-wide Interagency CALD SES Champion Network was established in February 2024.
- Jim Betts, Secretary of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts is the Chair of the Network and APS-wide CALD Champion.
- The Statement of Leadership to support Cultural Diversity – the CALD Compact – was released on 2 December 2024 and reflects the model of Stewardship supported by the *Racial Discrimination Act 1975*, *Work Health and Safety Act 2011* and the *Public Service Act 1999*.

- Part 1 of the Multicultural Organisation – Staff Awareness, Innovation and Capability (MOSAIC) magazine was launched earlier this year, and will uplift cultural capability of staff across the APS. This includes developing cultural awareness in leadership to ensure cultural safety and recognition of skills and expertise of CALD staff. MOSAIC Part 2 on CALD inclusive leadership capability is anticipated for release in March 2025.
- The APSC released a comprehensive coaching package in July 2024 to assist agencies support the CALD Capability Agency Uplift, following a sprint with five lead agencies last financial year. Agencies have been provided with the CALD Capability Agency Uplift package following bi-lateral briefings.
- The APSC is actively supporting the process by conducting weekly online drop-in sessions to brief on relevant initiatives, share solutions and lift capacity for agencies with tight resourcing. These sessions have been running since July 2024 and are well subscribed.
- The APSC is coordinating a mentoring model for CALD EL2 staff with the lead agencies of the APS to support the promotional pathway from middle management to SES. The model will parallel the APS Leadership Edge course and match CALD participants with pre-qualified mentors.
- Funded through the 2024-25 Capability Reinvestment Fund, the APSC is progressing the CALD Narrated Lived Experience project that addresses Headline Action 2 of the CALD Strategy. It involves the curation of audio-visual resources and learning materials that will enhance cultural capability in the APS. It is expected to be released late in 2025.

If asked about Racism in the APS, National Anti-Racism Framework

- The National Anti-Racism Framework, released by the Australian Human Rights Commission (AHRC) in November 2024, is a national plan that proposes a whole-of-society approach to the elimination of systemic and structural racism.
- The Framework calls for Government commitment to 63 recommendations targeting reforms across various sectors, with priority placed on the National Anti-Racism Framework First Nations Implementation Plan and the National Anti-Racism Framework Implementation Plan.
- Under the *Work Health and Safety (WHS) Act 2011*, the APS, as an employer, has a duty of care to ensure the health and safety of workers,

which involves managing psychosocial hazards, including racism and discrimination.

- The APS CALD Strategy team will work closely with the AHRC on the implementation of anti-racism solutions specifically for the benefit of APS staff, with a focus on ensuring that the co-design process is relevant and appropriate.

Background

Released on 30 April 2024, the CALD Strategy recommended a reform program of five headline actions resulting in a range of whole of government initiatives. APSC has spearheaded action on the initiatives including guidance on the application of the merit principle to level the playing field for CALD staff, a mentoring for CALD leaders and inclusive recruitment practices. Such initiatives will be shared across the APS to implement best practice models, minimise duplication and maximise the benefits for agencies.

SES CALD Benchmark

The CALD Strategy sets a benchmark of 24% to increase CALD representation in the SES to reflect the Australian population. The latest APSED data on CALD SES and EL2/SESB1 for the 20 Lead Agencies is at [Attachment A](#).

This benchmark is grounded in a strong evidence base. Research by Nu Nu Win, Robert Breunig, and David Hansell in *Modelling Public Service Careers* (2023) finds that those who identify as being from a non-English Speaking Background are less likely to be promoted across all APS levels than those from an English Speaking Background. The gap in promotion widens further up the ranks of the APS. This disparity persists even after accounting for factors such as language proficiency and cultural assimilation, suggesting potential systemic biases.

Media coverage on racism in Australia

Media reports have identified an increase in anti-Semitic incidents, racial tensions and public protests linked to the intensified conflict in Gaza. In response to this, the Prime Minister convened National Cabinet on 21 January 2025 to address the rise in anti-Semitic hate crimes, and resolved to set up a national database of anti-Semitic incidents.

Supporting information

Questions on Notice

- Ref Q0056 - SQ23-000132 - Anti-racism education or training. Supplementary Budget Estimates, October 24, 2023

Freedom of Information (FOI) Requests

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

Recent Ministerial Comments

- Nil

Relevant Media Reporting

- [Services Australia reclaims its multicultural mojo, APSC CALD out over diversity](#) Julian Bajkowski, The Mandarin, May 6, 2024.
- [Race discrimination commissioner releases plan to end racism in 10 years](#), Shalailah Medhora, ABC, 26 November 2024
- [Albanese finally summons national cabinet to consider antisemitism epidemic](#) Michelle Grattan, The Conversation, 21 January 2025
- [Spate of Violent Antisemitic Attacks Rattles Australia](#) NYT, 22 January 2025

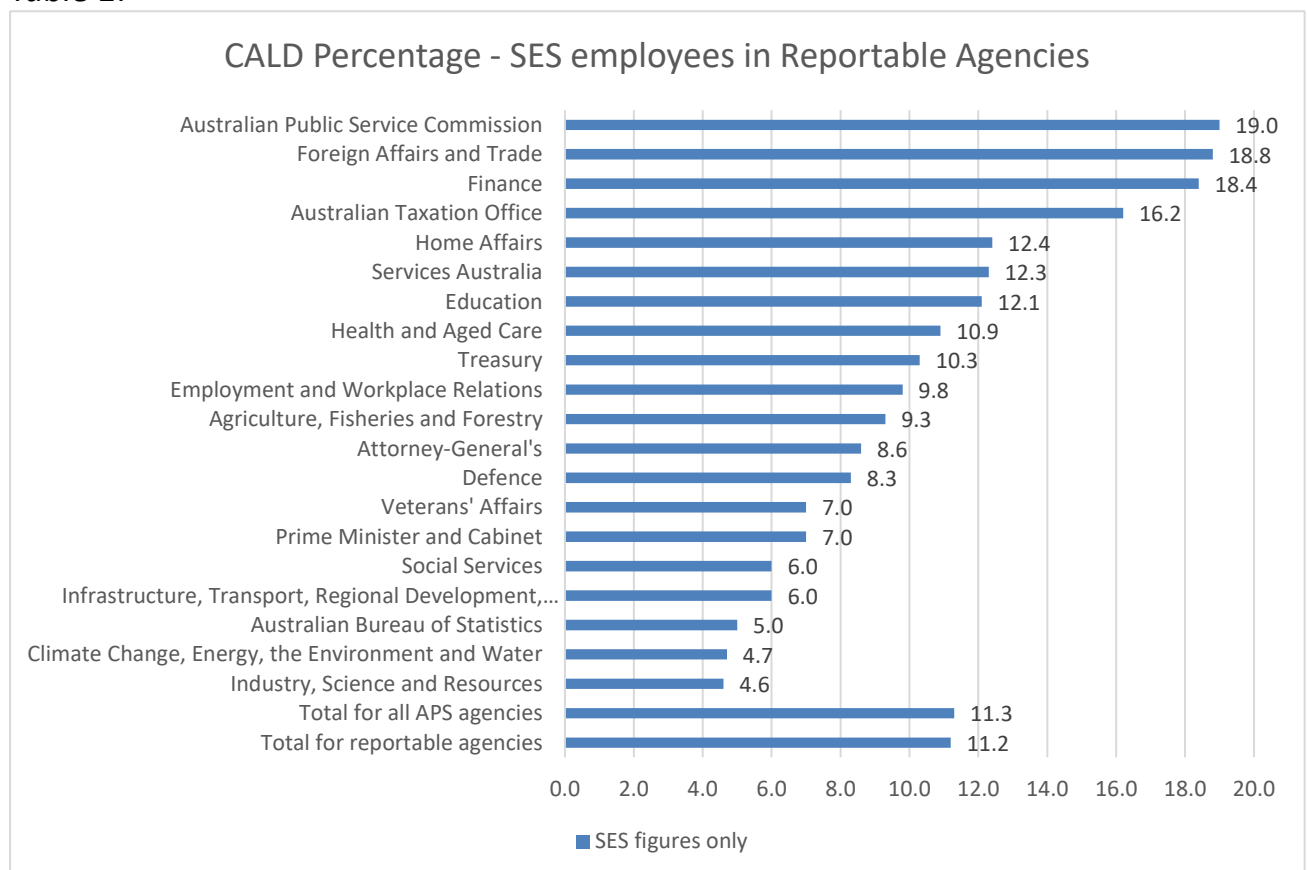
Date: 05/02/2025
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Consultation: Nil
PDR Number: SB25-000027

ESTIMATES BRIEF – Hot Issue**Attachment A**

Additional Estimates – Feb 2025

APS CALD Strategy**Key facts and figures**

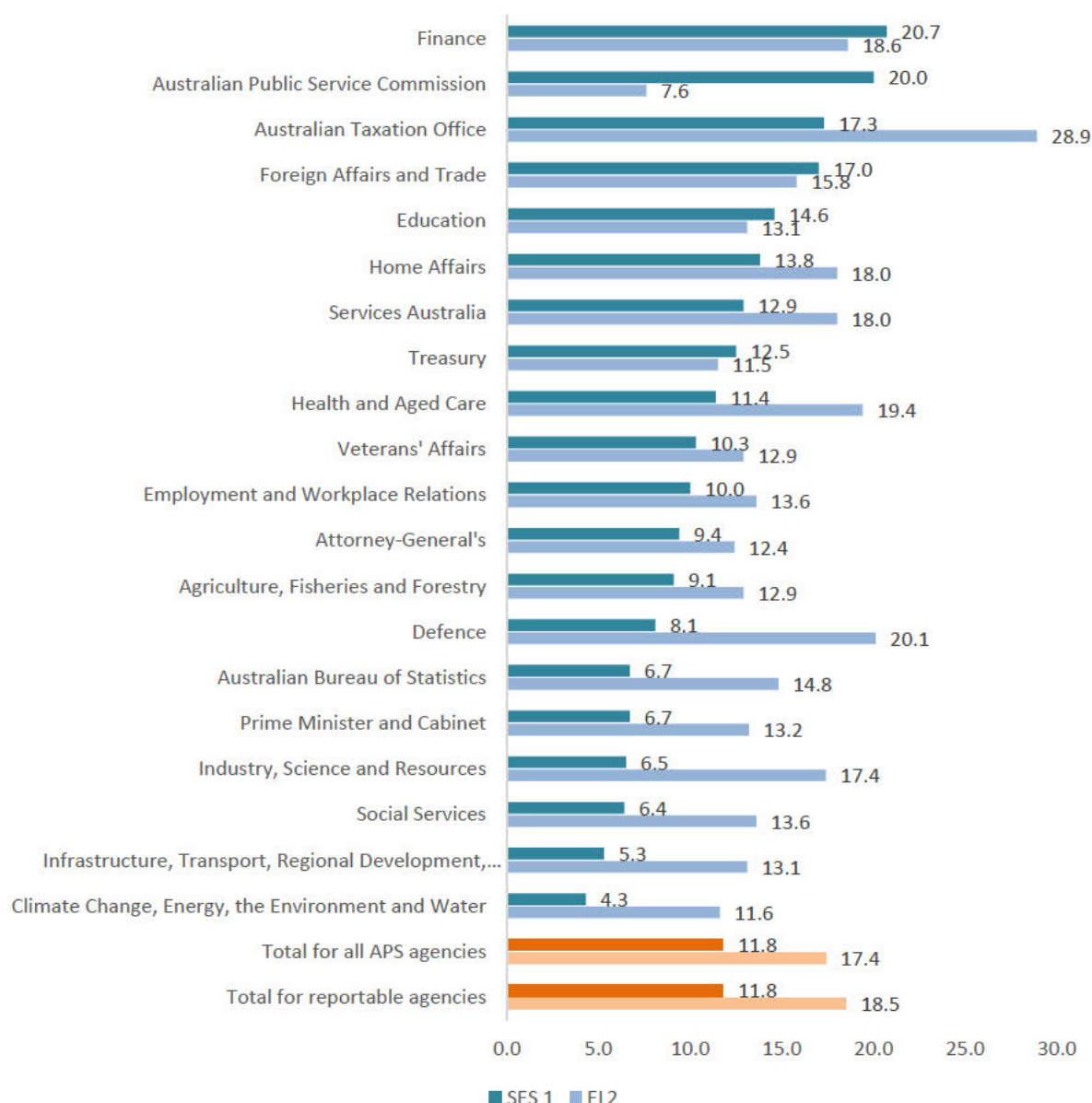
- The Strategy recommended tracking twice yearly and reporting of the SES Benchmark of 24% for the 20 Lead Agencies.
 - Currently, SES representation sits at 11%, with the benchmark requiring incremental improvement of 2% each year.
 - To achieve the benchmark of 24% there are three interim benchmarks over the six year term of the Strategy: 13% in year 2, 15% in year 4 and 17% in year 6, with a clear ongoing trajectory towards 24%.
 - The next interim benchmark of 13% is set for October 2025.

Table 1:*Percentage of CALD SES in Reportable Agencies at June 30 2024*

- Table 1 shows the latest figures derived from the June APSED data for the CALD representation across the SES by agency

Table 2: Percentage of CALD SES B1 and EL2 at Reportable Agencies to June 30 2024 (Table 2)

Percentage of CALD SES B1 and EL for selected agencies, SES B1 and EL2 cohorts



- Table 2 indicates the EL2/SES B1 comparison, showing the promotional pipeline. This equates to a CALD EL2 figure of 17.4% dropping off to 11.8% for CALD SES B1.

ESTIMATES BRIEF – Hot Issue**SEXUAL HARASSMENT**

Additional Estimates – Feb 2025

Sexual Harassment in the APS**Subject/Issue**

The APSC is supporting APS agencies to strengthen their policies and processes to ensure workplaces across the APS are safe and inclusive.

Key facts and figures

2024 survey item	Number	Comments
APS employees who indicated experiencing sexual harassment (Census)	0.4%	Consistent with 2020 through to 2023 results
Reported complaints of sexual harassment across APS Agencies (Agency Survey)	157 complaints	129 complaints in 2023

Key points

- The APS does not tolerate sexual harassment and related unlawful behaviours in our virtual and physical workplaces.
- All APS agencies are expected to have measures in place to prevent sexual harassment and related unlawful conduct from occurring.
- In December 2023, the APS Commissioner wrote to all agency heads confirming his expectation that the new positive duty requirements under the *Sex Discrimination Act 1984 (Cth)* are met by all agencies.
- On 25 June 2024, Dr Anna Cody, Sex Discrimination Commissioner, spoke to agencies and unions at the APS Consultative Committee to highlight the positive duty obligations inherent in APS workplaces and the importance of leaders in preventing sexual harassment and sex-based discrimination.
- APS enterprise agreements now contain a common Respect at Work clause. This clause outlines that respect at work principles include safe, respectful and inclusive workplaces that are free from physical and psychological harm, harassment, discrimination and bullying. This clause instructs agencies to consult with employees to develop guidelines and policies that, as far as possible, prevent sexual harassment and sex discrimination from occurring.

- The APSC has provided the following additional support:
 - promoted awareness via webinars, information sessions and newsletters
 - shared information via both the APSC and APS Academy websites
 - developed a model policy template and risk assessment guidance for agencies to inform their agency-specific prevention policies and initiatives
 - incorporated respectful behaviour into its SES leadership framework and in many of its learning products and resources
- In addition to obligations under the *Sex Discrimination Act 1984 (Cth)* and existing WHS laws, the *Public Service Act 1999* places an obligation on all APS agencies and employees to **foster safe and respectful workplaces**. Sexual harassment is inconsistent with obligations to promote and uphold the APS Values, Employment Principles, and Code of Conduct.

Background

Reporting of sexual harassment in the APS

APS agencies must report all sexual harassment complaints (de-identified) and high level outcomes to the APS Commission through the annual APS Agency Survey.

High level annual data is published in the APS Employee Census results and the State of the Service Report. This is de-identified data only and does not report on specific agencies.

The Commissioner's Directions include a provision requiring agencies to consult with the Commissioner before disputes relating to sexual harassment are settled using agreements that include non-disclosure or confidentiality terms.

In 2023-24, APS Agencies reported 157 formal complaints of sexual harassment. These complaints were recorded across 32 agencies (responses for two Commonwealth entities were included in the portfolio department's response).

It is unknown what has caused a trend in increased reporting, however anecdotal evidence suggests this may be due to improved workplace culture across the APS regarding responding to claims of workplace sexual harassment, and improved attitudes and capabilities towards reporting and providing support.

Australian Public Service Gender Equality Strategy 2021-26

The APS Gender Equality Strategy 2021-26 includes the following key actions for agencies:

- agencies strengthen approaches to preventing and responding to sexual harassment
- leaders reinforce respectful standards of behaviour
- agencies must understand what drives their gender pay gap and gender imbalances across all levels.

Sex Discrimination Act

The new positive duty under the *Sex Discrimination Act 1984 (Cth)* imposes a legal obligation on organisations, including all APS departments and agencies, to take proactive action to prevent sexual harassment and related unlawful behaviours from occurring in the workplace, or in connection to work.

This requirement is in addition to existing obligations and duties under the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulations 2011*, and other relevant legislation including state and territory legislation.

Supporting information

Questions on Notice

- No QoN asked

Freedom of Information (FOI) Requests

- Nil

Recent Ministerial Comments

- Nil

Relevant Media Reporting

- [Parliament House Allegations Persist](#), Dana Daniel, The Canberra Times, 30 November 2024.
- [Workplace Gender Equality Agency reveals ‘positive progress’ in workplaces](#), Duncan Evans, The Australian, 11 November 2024
- [Secrecy clauses loophole in harassment cases...](#), Dana Daniel, The Canberra Times, 8 November 2024
- [APS sex harassment rife](#), Eleanor Campbell, The Canberra Times, 12 August 2024

Date Cleared: 20/01/2025
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Consultation: Nil
PDR Number: SB25-000028

ESTIMATES BRIEF – Hot Issue**EMPLOYMENT DATA**

Additional Estimates – Feb 2025

APS employment data**Subject/Issue**

The Government has an ambitious agenda for Australia and an effective, efficient, and well-resourced public service is essential to successfully implement the Government's commitments to the Australian people.

Key facts and figures

- At 30 June 2024, there were 185,343 employees in the APS. This is an 8.9% increase (15,214 employees) from the same time in 2023.
- In the 2023-24 financial year, there were:
 - 30,540 ongoing employee engagements (an increase of 38.5% from 2022-23)
 - 11,280 ongoing employee separations (a decrease of 4.9% from 2022-23).
- The number of ongoing employees increased by 19,128 over the 2023-24 financial year to 170,186, equating to 91.8% of the APS as at 30 June 2024.
- The number of non-ongoing employees decreased by 3,914 over the 2023-24 financial year to 15,157, equating to 8.2% of the APS as at 30 June 2024.
- At 30 June 2024, the proportion of the APS based in Canberra decreased to 36.9%, compared to 38.1% from the same time in 2023.
- In the past year, there was a small shift in the working hours profile across the APS:
 - 84.7% work full-time (up 1.9%)
 - 11.8% work part-time (down 0.9%)
 - 3.6% work casual hours (down 0.9%).
- The 2024-25 Budget provided an estimate of the Average Staffing Level for the General Government Sector (excluding the Australian Defence Force) of 209,150 for the 2024-25 financial year.

Key points

- The APS workforce continues to rebuild internal capability, growing by 8.9% over the 2023-24 financial year.

Background

The Australian Public Service Commission maintains data on staff employed under the *Public Service Act 1999*. The Commission measures the headcount as a point-in-time count of overall employee numbers. It does not collect data on average staffing level (ASL). ASL covers the wider General Government Sector, which includes non-APS agencies, so has a broader population base than the Commission's APS Employment Database.

The ASL measure is not directly comparable to headcount. ASL adjusts for hours worked, whereas headcount does not (for example, 2 x 0.5 part-time staff would be shown as an ASL of 1 and headcount of 2). Further, ASL measures average staffing over the entire reporting period, whereas headcount is a count as at a single point in time.

Location of APS employees

Location	30 June 2023		30 June 2024	
	Headcount	%	Headcount	%
ACT	64,815	38.1%	68,435	36.9%
VIC	28,471	16.7%	32,002	17.3%
Melbourne	23,744	14.0%	27,080	14.6%
Regional VIC	4,727	2.8%	4,922	2.7%
NSW	28,382	16.7%	30,712	16.6%
Sydney	19,504	11.5%	21,634	11.7%
Regional NSW	8,878	5.2%	9,078	4.9%
QLD	21,540	12.7%	24,180	13.0%
Brisbane	15,550	9.1%	17,755	9.6%
Regional QLD	5,990	3.5%	6,425	3.5%
SA	11,245	6.6%	12,907	7.0%
Adelaide	10,884	6.4%	12,506	6.7%
Regional SA	361	0.2%	401	0.2%
WA	8,118	4.8%	9,001	4.9%
Perth	7,429	4.4%	8,274	4.5%
Regional WA	689	0.4%	727	0.4%
TAS	4,184	2.5%	4,428	2.4%
Hobart	3,559	2.1%	3,790	2.0%
Regional TAS	625	0.4%	638	0.3%
NT	1,968	1.2%	2,158	1.2%
Darwin	1,349	0.8%	1,468	0.8%
Regional NT	619	0.4%	690	0.4%
Overseas	1,406	0.8%	1,520	0.8%
Total Capital Cities	146,834	86.3%	160,942	86.8%
Total Regional	21,889	12.9%	22,881	12.3%
Total	170,129	100.0%	185,343	100.0%

The most recent employment data was released on 27 September 2024 and provides data as at 30 June 2024. The next employment data release will be in March 2025 and will report data as at 31 December 2024.

Supporting information

Questions on Notice

- Ref Q0073 (SQ24-000097), Budget Estimates 2024-25 Senate Finance and Public Administration Legislation Committee, 30 May 2024. Senator Jane Hume requested ASL figures by year aligned with previously provided APSED headcount by year. The APSC provided links to online ASL and APSED headcount figures.
- Ref Q0075 (SQ24-000099), Budget Estimates 2024-25 Senate Finance and Public Administration Legislation Committee, 30 May 2024. Senator Jane Hume requested an average exit and separation rate for the APS, which was provided by the APSC.

Freedom of Information (FOI) Requests

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

Recent Ministerial Comments

- Minister Gallagher (cited in media detailed below) responded to Opposition Leader Dutton's proposed plan to cut 36,000 public servant jobs. Minister Gallagher stated that rather than cutting public service jobs, the Government should invest in a strong APS to help deliver needed services to Australians.
- Minister Gallagher (cited in media detailed below) responded to Opposition Leader Dutton and Senator Hume's criticism of the APS size increase. Minister Gallagher responded that increased staffing was required to rebuild public service capability and to ensure delivery of outcomes for Australians.

Relevant Media Reporting

- [Gallagher lays into 'lazy conservative' APS job cuts pitched by Coalition](#), The Canberra Times, Brittney Levinson, 13 January 2025. The article details Minister Gallagher's response to Opposition Leader Dutton's proposed plan to cut 36,000 public servant jobs. Minister Gallagher calls the plan lazy and recommends instead investing in a strong public service, to better deliver services to the Australian public.
- [Gallagher challenges Coalition to 'be up-front' about cutting public service jobs](#), The Canberra Times, Miriam Webber, 31 May 2024. The article details Minister Gallagher's response to criticisms on the growing size of the APS from Opposition Leader Dutton and Senator Hume. Minister Gallagher responded that the public service is adequately resourced, which is important for delivery of outcomes to the Australian public.

Date Cleared: 22/01/2025
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Consultation: Nil
PDR Number: SB25-000029

ESTIMATES BRIEF – Hot Issue**APS CENSUS RESULTS**

Additional Estimates – Feb 2025

2024 APS Census results**Subject/Issue**

The APS workforce is engaged, satisfied with employment conditions and committed to delivering for the Australian people.

Key facts and figures

- Levels of employee engagement increased slightly across the APS from 2023 to 2024 (74 in 2024, 73 in 2023) and is now at the highest level recorded.
- The majority of respondents (93%) understood how their role contributes to achieving an outcome for the Australian public (92% in 2023).
- A slightly increased proportion (87%) believe strongly in the purpose and objectives of the APS (84% in 2023).
- Just under two-thirds (63%) felt fairly remunerated for the work they do. This is a marked increase on 51% seen in 2023.
- In 2024, 82% expressed satisfaction with their non-monetary employment conditions (74% in 2023). This level of agreement is at the highest level ever recorded for the APS overall.
- A slightly higher proportion of respondents in 2024 (76%) than in 2023 (74%) accessed some form of flexible working arrangement. [Further detail within *SB25-000033 - Flexible Work across the APS*].
- Perceptions of harassment or bullying remain stable (10.5% in 2024; 10.4% in 2023).
- Perceptions of sexual harassment continue to be low (0.4% in 2023 and 2024). [Further detail within *SB25-000028 - Sexual harassment in the APS*].
- Perceptions of discrimination remain stable (10.0% in 2024; 10.4% in 2023).

Key points

- The APS workforce remains highly engaged and committed to delivering for the Australian people.
- Since the conclusion of APS bargaining, there has been a significant increase in satisfaction with monetary and non-monetary employment conditions.

APS CENSUS RESULTS

- Recent changes to the *Public Service Act* ensure the continued commitment to openness and transparency of agency-level Census results and action plans.

Background

The 2024 Census was administered between 6 May and 7 June 2024.

There were 140,396 responses across the APS with a response rate of 81 per cent.

On Tuesday 26 November 2024, results were released on the APSC's website. All participating APS agencies were required to publish their Census Highlights report and an agency action plan. Three agencies were exempted from releasing an action plan:

1. Office of National Intelligence
2. Office of the Special Investigator
3. National Mental Health Commission (note: abolished on 30 September 2024).

Supporting information

Questions on Notice

- No QoNs asked

Freedom of Information (FOI) Requests

- No FOIs asked

Recent Ministerial Comments

- Nil

Relevant Media Reporting

- [State of the Service paints happy picture of APS staff engagement](#), Melissa Coade, The Mandarin, 26 November 2024
- [More than 550 APS breaches revealed in State of the Service report](#), Miriam Webber, The Canberra Times, 26 November 2024
- [Was the APS Employee Census really meant to be turned into a competition?](#) Chris Johnson, The Riotact, 7 June 2024

Date Cleared: 22/01/2025
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Consultation: Nil
PDR Number: SB25-000030

ESTIMATES BRIEF – Hot Issue

CONTRACTORS AND CONSULTANTS

Additional Estimates – Feb 2025

Reducing reliance on contractors and consultants (Strategic Commissioning Framework)

Subject/Issue

The Australian Government is reducing reliance on contractors and consultants while strengthening APS capability. This includes bringing core work back in-house, as agency heads implement the Strategic Commissioning Framework.

Key facts and figures

- Agencies are implementing the framework as required:
 - 104 agencies have reported to the APSC on core work and targets (100% participation)
 - Agencies have set targets to bring more than half a billion dollars (\$527 million) in core capability back in house in 2024-25.
- This is building a foundation for enduring change:
 - Agencies have identified the work that should not be outsourced
 - They have set commitments to start bringing it back in-house
- This new way of thinking and working has long term benefits – for capability, integrity and public trust.

Key points

- The Strategic Commissioning Framework is part of a suite of initiatives to reduce reliance on external labour and strengthen public service capability.
 - The Government has an ambitious agenda for Australia and an effective, efficient, and capable public service is essential to successfully implementing the Government's commitments to the Australian people.
- Agencies are in their first year of implementing the framework (2024-25).
- The APS Commission released a public update on 4 November 2024. It shows agencies have made a strong start.
 - Agencies have set targets for work they intend to bring in-house in 2024-25. This is expected to reduce outsourcing expenditure by more than half a billion dollars (\$527 million) this financial year.
 - Agencies have laid the groundwork to embed the framework and deliver on their targets.

CONTRACTORS AND CONSULTANTS

- [IF ASKED] Corporate plan compliance: Most agencies reported on the framework in corporate plans as required. Some agencies found the timing difficult, as their targets were finalised after corporate plan content was locked in, so information on targets was missing or limited.
- Looking forward:
 - Agencies will now focus on delivering their targets for 2024-25.
 - Monitoring and reporting will hold agency heads to account. Agencies will report progress against targets at the end of the financial year - to the APSC and in their annual reports.
 - In mid-2025, agencies will set targets for year two.
- There will be circumstances where use of external labour is appropriate, particularly where the work is not core. In those instances, the framework encourages agencies to consider small business and First Nations businesses in line with the Commonwealth Procurement Rules.
- Other initiatives to address use of contractors and consultants include:
 - Australian Government Consulting, an in-house consulting service helping reduce the APS' reliance on outsourcing to external consultants
 - the Commonwealth Supplier Code of Conduct led by the Department of Finance which will strengthen the integrity and ethical conduct of suppliers
 - the Audit of Employment (led by the Department of Finance)
 - contractor conversions in Budget (public service roles created to replace work undertaken by contractors and consultants)
 - \$4 billion savings delivered through Budget measures by reducing spending on external labour.

Background

Key dates for the APS Strategic Commissioning Framework:

- 24 October 2023 Framework released
- 1 December 2023 Resources toolkit published (APSC website)
- January-April 2024 Additional guidance published (APSC website) (core work, process map, targets and reporting)
- July/August 2024 Agencies reported 2024-25 core work and targets to the APSC. Targets were also published in agency corporate plans.
- 15 October 2024 Minister Gallagher briefed on reporting outcomes
- 4 November 2024 APS Commissioner issued public update
- Second half 2025 First progress reporting against agency targets. Year 2 targets.

In Supplementary Budget Estimates Senator Barbara Pocock asked questions about agency targets, with a particular interest in the low level of consulting work in agency targets. In previous Estimates hearings Senator Barbara Pocock has asked high level questions about expected targets and which agencies the framework will apply to. At Additional Estimates in February 2024, Senator Pocock asked questions on ASL and workforce growth. At Budget Estimates in May 2024, Senator Pocock asked questions about contractor conversions, how the APSC is defining core work and whether the APSC had active contracts with any of the big four consulting firms.

Supporting information

Questions on Notice

- QoN 0037 (SQ24-000216), *Strategic Commissioning Framework*. Asked 4 November 2024. Response tabled 18 December 2024.
- QoN 0075 (SQ24-000009), *APS workforce growth*. Additional Estimates. Asked February 2024. Response tabled 16 April 2024.
- QoN 0060 (SQ23-000136), *Agencies the APS Strategic Commissioning Framework does not apply to*. Supplementary Budget Estimates. Asked October 2023. Response tabled December 2023.

Freedom of Information (FOI) Requests

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

Recent Ministerial Comments

- [APS set to bring more than half a billion dollars of core work in-house | Ministers' media centre](#) Minister Gallagher, Media release, 4 November 2024
- [Let's be clear, cutting APS jobs would devastate communities nationwide'](#), Minister Gallagher editorial, The Canberra Times, 4 November 2024

Relevant Media Reporting

- ['Warning over the result of APS job cuts'](#), The Canberra Times, 11 February 2025
- ['Politicians spin numbers as public service jobs debate fuels misleading claims and financial contradictions'](#), The Mercury, 11 February 2025
- ['Gallagher rules out more APS growth'](#), The Mandarin, 10 February 2025
- ['Ministers want a more strategic approach to commissioning. How can government agencies make that happen?'](#), The Mandarin and Nous paper, 29 January 2025

CONTRACTORS AND CONSULTANTS

- [‘PM and Gallagher ramp up defence of APS jobs as election looms’](#), The Riot Act, 13 January 2025
- [‘Leaked guide: what Defence spends hiring KPMG, PwC, Deloitte, EY, Accenture’](#) The Australian Financial Review, 8 December, 2024
- [‘Small Agency Broke Procurement Rules’](#), The Canberra Times, 13 November 2024
- [‘Bid to cut \\$500m in outsourced work’](#), The Canberra Times, 4 November 2024
- [‘More than \\$500m in Canberra consulting to be slashed as NDIS, Defence and Australian Taxation Office hardest hit’](#), The Australian Financial Review, 4 November 2024
- [‘Private sector to watch and wait as Commonwealth sets insourcing targets’](#), Connor Pearce, The Canberra Times, 5 September 2024
- [‘APS is up to decontracting challenge’](#), The Canberra Times, 4 September 2024
- [‘The eye-watering amounts agencies are cutting from consultancy budgets’](#), The Canberra Times, 3 September 2024
- [‘Health agency could pay consultants up to \\$550k for advice on ‘insourcing’](#), The Canberra Times, 4 July 2024
- [‘Exclusive: Disgraced consultancy to run government ethics training’](#), The Saturday Paper, 8 June 2024
- [‘Purge of consultants heralds jobs boom’](#), The Australian, 15 May 2024

Date Cleared: 13/02/2025
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Consultation: Department of Finance, Department of the Prime Minister and Cabinet
PDR Number: SB25-000031



ADDITIONAL ESTIMATES – FEB 2025

APS Remuneration Data Release 2023

KEY MESSAGES

- The Australian Public Service Commission produces an annual snapshot of remuneration across the Australian Public Service as at 31 December.
- The data collected provides transparency on APS remuneration.
- The 2023 APS Remuneration Data Release is available on the Australian Public Service Commission website.

FACTS AND FIGURES

- **Headline remuneration movements:**
 - Median Base Salary movement for all APS employees was 1.8%.
 - Median Base Salary increased by 1.7% for non-SES and by 2.5% for SES.
 - Median Total Reward increased by 1.7% for non-SES and by 0.8% for SES.
- **Gender pay gap:**
 - The APS gender pay gap continued to decline, decreasing from 5.2% in 2022 to 4.5% in 2023. This compares to a National gender pay gap of 11.5%.
 - The growing proportion of women at higher levels is the key driver of the continued decline.
- **Performance bonuses:**
 - 826 employees (0.5% of employees) were paid a performance bonus in 2023. Of these, 782 were paid to non-SES employees and 44 paid to SES employees.
 - The median performance bonus was \$1,000.
- **Individual flexibility arrangements:**
 - 4,795 employees (2.9% of employees) had an individual flexibility arrangement in place during 2023 compared to 4,075 in 2022. This is a proportionate increase of 0.2%.

QUESTIONS AND ANSWERS

If asked about the non-SES median increase.

- There was some upward pressure on non-SES salaries from the continued roll out of the 3% increase under the *Public Sector Interim Workplace Arrangements 2022*, concurrent with downward pressure from increased non-SES engagements.
- In 2023 non-SES engagements and promotions rose by 40% and 12% respectively. The non-SES headcount increased by 10.9% (to 162,672 from 146,655 in 2022).
- These population changes are likely to have put downward pressure on the non-SES median Base Salary as newly engaged and promoted employees tend to commence on salaries at or near the bottom of their salary scale.



If asked about the SES median increase.

- The continuing trend to repackage motor vehicle related allowances into SES Base Salaries is likely to have influenced the SES median Base Salary increase. The influence of this repackaging can be seen in the higher median SES Base Salary increases compared to the more modest increases in median SES Total Reward.
- The increase in the number of SES engagements and promotions during 2023 may also have influenced median outcomes. SES are employed under individual arrangements negotiated with their agency and may be offered or negotiate higher levels of remuneration or different packages.

If asked about wage increases not matching inflation.

- While acknowledging all Australians are experiencing cost of living pressures, wages are only one part of the competitive package of employment conditions in the APS.
- In 2023, the 3% wage increase payable under the Government's *Public Sector Interim Workplace Arrangements 2022* (Interim Arrangements) continued to be rolled out to APS employees.
- The Interim Arrangements were an intermediary measure as the Government conducted APS bargaining, to deliver a fair and affordable pay rise.
- Transitional arrangements to align APS agencies to a common pay date as part of APS wide bargaining saw employees in 35 APS agencies receive a one-off realignment payment in 2023.
- APS wide bargaining delivered an 11.2% headline pay increase over three years, commencing in 2024.
- In addition, employees also received a one-off payment equivalent to 12 weeks' pay, and for the lowest paid agencies a lift in base salary for 8000 employees which will further reduce pay fragmentation across the APS in future years.
- The increases in this report are aggregate figures. These do not equate to the wage increases received by individual employees which can also include individual salary advancement or promotions.

If asked about the APS gender pay gap.

- The gender pay gap continues to be driven by the different representation of males and females across classifications.
- The reduction in the APS gender pay gap is a positive step in the Australian Government's APS reform agenda to improve women's economic equality.
- The decreasing gender pay gap is consistent with an increasing proportion of women entering senior leadership positions in the APS.
- As a model employer, the Government has undertaken significant reform through changes to parental leave.
- Through APS wide bargaining, APS enterprise agreements now have a common condition which will provide equal entitlement to parental leave for both parents by the end of the agreement.



- This will encourage greater uptake of parental leave by fathers and partners.
- Eligible employees also now have access to a base salary increment while on unpaid parental leave.
- These measures are expected to have a positive impact on further reducing the gender pay gap over time.

If asked why the WGEA Commonwealth public sector gender pay gap is different to the APS gender pay gap figure.

- The key differences relate to the agencies captured, the timing of data collection and the remuneration components included in the calculations.
- The 2023 APS gender pay gap is calculated from the average Base Salary to enable comparison to the National gender pay gap. The APS Gender Pay Gap figure only includes employees engaged under the *Public Service Act*.
- The 2022 Commonwealth public sector gender pay gap released by WGEA includes 39 additional employers who do not employ staff under the *Public Service Act*. Base salaries, superannuation, bonuses and overtime are all included in the calculation.
- The 2023 APS Remuneration Data Release includes tables that show gender pay differences across these other remuneration components.

If asked about performance bonuses.

- Only 0.5% of employees (or 826 employees) were paid a performance bonus in 2023. Of these, 782 were paid to non-SES employees and 44 paid to SES employees.
- The median performance bonus was \$1,000 compared to \$1,286 in 2022.
- The number of performance bonuses have remained low despite proportional increases to employee engagements. This is in line with guidance which sets out expectations that performance bonuses only be paid in limited circumstances.

If asked about Individual Flexibility Arrangements and/or if these favour men.

- Less than 3% of employees had additional terms and conditions provided through an individual flexibility arrangement in 2023.
- Proportionally, only a slightly higher number of men had individual flexibility arrangements in place than women – 3.6% of men compared to 2.4% of women.
- Around 72% of employees using these arrangements were at the EL1 and EL2 level.
- Agency heads are responsible for ensuring individual flexibility arrangements are consistent with Government policy.



BACKGROUND

MEDIA

- **11/02/2025:** [The Mandarin](#) published an article by Andrew Podger on proposed Coalition and Labor Government efficiency measures. The article argued, amongst other things, that APS remuneration remained 'a mess' with the latest Remuneration Report revealing extraordinary variations in pay particularly at the SES level.
- **18/08/2024:** [The Canberra Times](#) reported that senior public servants received salary boosts around 2.5 per cent in 2023, whilst subordinates only received around 1.7 per cent. It was noted that the gender pay gap remained but a growing number of women earnt more than their male counterparts.
- **08/08/2024:** [The Mandarin](#) reported on the release of the 2023 APS Remuneration data noting the gender pay gap fell from 5.2% to 4.5% in the 12 months to December 2023 but that the gap between non-SES and SES median base salaries increased.

TIMELINE

Date	Action
July 2024	Minister for the Public Service, the Hon Katy Gallagher, briefed on findings in the APS Remuneration Data Release
August 2024	APS Remuneration Data Release published on the APSC website

CLEARANCE SUMMARY

Jasmine Millar Acting Assistant Commissioner	Workplace Reform	20 January 2025	s 47F
Drafting Officer's Name	s 47F	Office Phone	s 47F
Finance team quality assurance	N/A	Finance QA date	
Consultation	Nil	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

ESTIMATES BRIEF – Hot Issue**SES NUMBERS**

Additional Estimates – Feb 2025

SES Numbers**Subject/Issue**

The SES cohort policy maintains reasonable constraint on SES numbers while ensuring APS agencies have the capability they need to deliver.

Key facts and figures

- SES numbers are reported publicly via the APS Employment Database.
 - The most recent reporting date was 30 June 2024.
- The Database shows 3,428 SES employees in June 2024. This is:
 - up 92 since December 2023 (previous reporting period)
 - up 401 since the SES cohort policy was introduced in July 2022.
- SES continue to make up less than 2 per cent of all APS employees, which has remained consistent since December 2021.

	Total SES employees	Total APS employees	% of employees who are SES
APSED Dec 2022	3,114	161,645	1.9%
APSED June 2023	3,206	170,129	1.9%
APSED Dec 2023	3,336	177,442	1.9%
APSED June 2024	3,428	185,343	1.9%

APS Employment Database, all employees (ongoing and non-ongoing)

- The number of SES employees has grown by 13.2 per cent since December 2021, which is less than the 16.4 per cent growth in APS employees overall during the same period.
- As at 30 June 2024, the SES breakdown per level, is:

Classification	Dec 2023	June 2024
SES 1	2,479	2,541
SES 2	694	726
SES 3	163	161
TOTAL	3,336	3,428

Key points

- The SES Cohort Policy is maintaining reasonable constraint on SES numbers.
- The APS employed 92 additional SES between December 2023 and June 2024.
- This is a proportionate rise, in line with the Government's commitment to build APS capability.
- Ministerial approvals include:
 - 28.6 SES positions since 1 July 2024 (24.6 SES positions for the Department of Health and Aged Care, 2 SES positions for the Australian Financial Security Authority, 1 SES position for the Australian Communication and Media Authority and 1 SES position for the Museum of Australian Democracy).
 - 52.8 positions between 1 July 2023 and 30 June 2024 (the last financial year).
 - 213.4 total SES positions approved since July 2022 (when the SES cohort policy began).
- Additional positions were approved via Budget processes.

New Policy

- On 28 October 2024 the SES Cohort Policy was updated and published on the Australian Public Service Commission website.
- There is a clear expectation of agencies to continue to exercise restraint in the size of SES cohorts.
- The policy provides that the default approach to resourcing new SES positions is through reprioritisation of existing resources within agencies.
- The changes to the policy primarily relate to how and when an agency can request an increase to its approved SES cohort.
- An agency can request an increase through three mechanisms:
 1. Transfer SES positions within the same Portfolio
 2. Decision by Government via New Policy Proposal or Cabinet Submission
 3. Approval by the Minister for the Public Service.

- To request approval of an increase to SES cohort by the Minister for the Public Service, an agency must be operating within its current approved SES cohort size, have existing ASL and funding, and demonstrate that particular exceptional circumstances exist.
- An agency may request a formal exemption from the APS Commissioner that would permit a request being made to the Minister for the Public Service where an agency is not eligible to make a request and there are extraordinary circumstances.
- No requests for approval of an increase to SES cohort have been made to the Minister for the Public Service since the new policy took effect.
- Any requests for new positions are considered on their merits.

Background

The SES cohort policy replaced the SES Cap in July 2022. The revised process is intended to maintain restraint without the need for a hard cap on SES numbers.

Consistent with the previous SES Cap policy, APS agencies are approved to operate with a certain number of SES. If they need additional SES positions, the agency requires approval from the Government and must demonstrate how the position will support the Government's priorities.

The key difference is agencies no longer need to seek government approval twice for the same SES position. They can seek approval either through Budget or through a request to the Minister for the Public Service where eligible under the policy.

On 1 October 2023, the Minister approved a change to the SES cohort policy to assess the appropriateness of all SES spans of supervision within the agency when a ministerial request is made. This came into effect on 23 October 2023 when updated Optimal Management Structures guidance was released.

On 28 October 2024, the APSC published an updated SES cohort policy, consistent with expectations that agencies demonstrate discipline in managing SES levels, primarily through agency and portfolio reprioritisation.

Agencies are required to report to the Australian Public Service Commission on their SES cohort twice a year. This data is not published. The numbers provided through this reporting process are broadly consistent with those reported publicly through the APS Employment Database. However, they will never be identical because they count slightly different things.

The APS Employment Database counts *people*, while the SES cohort counts *positions*.

Supporting information

Questions on Notice

- QoN #F032. Approving ASL. Finance and Public Administration Legislation Committee, Department of Finance, 30 May 2024. Tabling date of response – 25 July 2024

Freedom of Information (FOI) Requests

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

Recent Ministerial Comments

- Nil

Relevant Media Reporting

[Amongst the Canberra bashing, there may be opportunities for sensible APS efficiency savings](#)

Andrew Podger, *The Mandarin*, 11 February 2025

The Mandarin published an opinion piece by former Public Service Commissioner, Andrew Podger, which argues the APS classification profile has become too top-heavy over the past 20 years. Professor Podger argues there has been too much growth of deputy secretary positions and tighter controls of the SES is overdue.

Date Cleared: 13 February 2025
Cleared by (SES): James O'Reilly
Telephone No: s 47F
Group/Branch: Workplace Relations
Contact Officer: s 47F
Telephone No: s 47F
Consultation: Nil
PDR Number: SB25-000032



ADDITIONAL ESTIMATES – FEB 2025

Changes made to Secretaries Determination

KEY MESSAGES

- On 25 November 2023 changes made by the Remuneration Tribunal to the loss of office compensation provisions in the Departmental Secretaries determination took effect.
- The changes remove a Secretary's entitlement to loss of office compensation where the grounds for termination meet specific criteria.
- The Remuneration Tribunal consulted with the APS Commissioner and Departmental Secretaries prior to making the changes.

FACTS AND FIGURES

- An amending determination implementing changes to the loss of office provisions for Departmental Secretaries took effect on 25 November 2023.
- Prior to 25 November 2023, a Secretary was only ineligible for loss of office compensation if an offer of suitable alternative employment had been made. This condition still exists.

QUESTIONS AND ANSWERS

What changes were made to the Remuneration Tribunal's Departmental Secretaries determination?

The Government is no longer required to pay loss of office compensation to a Secretary if their appointment is terminated for specific reasons following an APS Commissioner inquiry into an alleged breach of the APS Code of Conduct.

If a breach is found based on conduct that is constituted by sexual harassment; bullying; the improper use of a Secretary's duties, status, power or authority to gain benefit or advantage; or is likely to constitute an offence under Commonwealth, state or territory law that is punishable by imprisonment; and providing certain pre-conditions are met, no compensation will be paid.

If as the result of an investigation by the National Anti-Corruption Commission, the report of that investigation expressed an opinion that there had been corrupt conduct by the Secretary of a serious or systemic nature, and the report recommend termination of the appointment, no compensation will be paid if the Secretary's appointment is terminated.



Are the changes retrospective?

No. The changes do not impact any Secretary whose employment was terminated prior to 25 November 2023.

How often does this Determination change?

The Secretaries Determination is reviewed and re-made annually, with regular changes outside of that rhythm as required, including to reflect machinery of government changes. There were two amendments in 2023, and two in 2022.

Why did the Remuneration Tribunal make the changes? Were they made specifically to prevent Mr Pezzullo receiving compensation?

The Remuneration Tribunal is an independent statutory body. It is open to them to review any of their determinations at any time and make amendments as they see fit. I am not able to speak on behalf of the Tribunal, so cannot comment on the timing of the Tribunal's decision.

Did you know the Tribunal was planning to make changes to the loss of office provisions for Secretaries?

The Remuneration Tribunal consulted with me and with all Departmental Secretaries prior to amending the loss of office provisions in the Secretaries Determination. This consultation is noted in the explanatory statement to the amending determination.

BACKGROUND

MEDIA

- 25/11/2023 – [*Bureaucrat payout change before Pezzullo probe findings, Lisa Visentin, The Age.*](#)
- 25/11/2023 – [*Payout changes before Pezzullo report, Karen Barlow, The Canberra Times.*](#)
- 25/11/2023 – [*Albo removes golden parachute from ejector seat for APS bad bureaucrats, Julian Bajkowski, The Mandarin.*](#)
- 12/08/2024 – [*'Who would want to be a secretary?': APS bosses pushed back on payout changes, Miriam Webber, The Canberra Times.*](#)

The articles all note the changes made by the Remuneration Tribunal to loss of office compensation provisions for Departmental Secretaries.



OTHER RELEVANT MATERIAL

An FOI request from Mr Rex Patrick was received on 26 February 2024 seeking “access to correspondence exchanged between the Tribunal and Departmental Secretaries relating to proposed amendments to section 25 of the *Remuneration Tribunal (Departmental Secretaries – Classification Structure and Terms and Conditions) Determination (No. 2) 2023*.”

Ten documents were identified to be within the scope of Mr Patrick’s request and were released on 18 April 2024. Some redactions were made to the released documents under sections 22 (irrelevant material), 47C (deliberative material) and 47F (personal privacy) of the *Freedom of Information Act 1982*.

A further FOI request was received from Ms Miriam Webber on 28 June 2024 seeking “Correspondence exchanged between the Tribunal and Departmental Secretaries relating to proposed amendments to section 25 of the *Remuneration Tribunal (Departmental Secretaries – Classification Structure and Terms and Conditions) Determination (No. 2) 2023*, inclusive of correspondence which discusses the need for the amendments, the context which surrounded the amendments, the potential flow on effects for secretaries and their job security, and other considerations which shaped secretaries' views towards the proposed changes.”

Ten documents were identified to be within the scope of Ms Webber’s request and were released on 8 August 2024. Some redactions were made to the released documents under sections 22 (irrelevant material), 47C (deliberative material) and 47F (personal privacy) of the *Freedom of Information Act 1982*.

FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

TIMELINE

Date	Action
25 November 2023	Amendments to the loss of office compensation provisions in the Secretaries Determination took effect.
24 November 2023	The Remuneration Tribunal wrote to the APS Commissioner and all Departmental Secretaries advising of the amendments that would be made to the Secretaries Determination.
23 November 2023	The Remuneration Tribunal agreed to amend section 25 of the Secretaries Determination to insert exclusion events, which would in certain circumstances remove a Departmental Secretary’s eligibility for compensation for loss of office.



PDR: SB25-000013
Lead: Matthew Bowd

22 November 2023	The Remuneration Tribunal wrote again to the APS Commissioner and all Departmental Secretaries, addressing feedback provided, and clarifying the intent of the proposed amendments.
17 November 2023	The Remuneration Tribunal consulted with APS Commissioner and all Departmental Secretaries on proposed amendments to the loss of office provisions in the Secretaries Determination.

CLEARANCE SUMMARY

Michelle Coffill A/g Assistant Commissioner	Executive Remuneration and Statutory Offices Branch	Clearance date 9 January 2025	s 47F
Michelle Coffill	Executive Remuneration and Statutory Offices Branch	s 47F	
Finance team quality assurance	N/A	Finance QA date N/A	
Consultation	Government Division, Department of the Prime Minister and Cabinet	Is content sensitive?	No



ADDITIONAL ESTIMATES – FEB 2025

First Nations initiatives

KEY MESSAGES

- Priority Reforms under the National Agreement on Closing the Gap are embedded in the APS Reform agenda.
- There are four current APS Reform initiatives supporting First Nations staff and communities.
- This helps elevate, align and drive a collective approach to systems change across the APS.
- To reinforce the Government's commitment to the National Agreement on Closing the Gap, a First Nations Lead has been appointed to provide dedicated leadership and to drive change across the APS through the Collaboration Circle and actions to support working in genuine partnership with First Nations people.

FACTS AND FIGURES

- In the 2023-24 Budget, the APSC received \$3.4 million over two years (\$1.6 million in 2023-24 and \$1.8 million in 2024-25) to support the Boosting First Nations Employment initiative, aimed at increasing First Nations employment in the APS to 5 per cent by 2030.
- In the 2022-23 Budget, the Department of the Prime Minister and Cabinet received \$1.26 million to support the development of the Closing the Gap Monitoring & Accountability initiative, intended to drive and measure cultural, systemic and structural transformation across the Australian Public Service.
 - No funding was provided in 2023-24.
 - *Questions on the status of this initiative should be directed to PM&C.*
- Four initiatives under APS Reform are identified as directly progressing Closing the Gap Priority Reform 1 (formal partnerships and shared decision-making) and Priority Reform 3 (transforming government).
- Additionally, three projects have been funded through the APS Capability Reinvestment Fund to support First Nations capability building.
 - The two Round 1 Projects are:
 - Cultural competency in the application of the Commonwealth Grant Rules and Procedures, and
 - First Nations: Technology Design Program.



- The one Round 2 Project is:
 - Uplifting APS Capability to work effectively with First Nations data and evidence.

QUESTIONS AND ANSWERS

What APS Reform initiatives are supporting First Nations people and communities?

- Under APS Reform, there are four current initiatives supporting First Nations staff and communities:
 - **Actions to support genuine partnerships with First Nations people**
 - This initiative focuses on identifying non-legislative barriers to working in partnership and shared decision making with First Nations people and progress practical actions to address non-legislative barriers.
 - **National Agreement on Closing the Gap Priority Reform One**
 - *Questions on the status of this initiative should be directed to NIAA*
 - **APS First Nations cultural capability and boosting First Nations employment**
 - This initiative supports the government's commitment to increasing First Nations employment in the Australia Public Service to 5% by 2030.
 - **Monitoring & accountability to embed Closing the Gap Priority Reform 3**
 - *Questions on the status of this initiative should be directed to PM&C.*
- In 2024, the Chief Operating Officer Committee piloted a Collaboration Circle where Senior Executive public servants engage with First Nations public servants in a structured, collaborative way to review current First Nations initiatives across the APS. The Collaboration Circle developed recommendations to the COO Committee, who can commit to actions that can take agreed recommendations forward. From 2025, the Collaboration Circle will be a sub-committee of the COO Committee.

How does APS Reform relate to the Closing the Gap Agenda?

- Reform initiatives under Outcome 4 (the APS has effective relationships and partnerships with First Nations peoples) and Outcome 7 (the APS sets the standard for First Nations employment and cultural competency) directly progress Closing the Gap Priority Reform 1 (formal partnerships and shared decision-making) and Priority Reform 3 (transforming government).

Who is the First Nations Systems Lead?

- Sam Jeffries commenced in the role on 27 November 2023 for 12 months. This trial has been extended to June 2025.



- Mr Jeffries is a Moorawoori / Wiradjuri man from New South Wales with more than four decades of experience working in Aboriginal and Torres Strait Islander affairs. He has held positions at the local, regional and national level both in the community sector and government.

What is the role of the First Nations Systems lead?

- The First Nations Systems Lead role is currently being piloted from November 2023 to June 2025, to ensure the APS Reform agenda reinforces the Government's commitment to the National Agreement on Closing the Gap by providing dedicated leadership across the APS.

What is the 'Legislative Amendments to the Public Service Act' initiative, identified in the 2023 Closing the Gap Implementation Plan?

- Under the APS Reform agenda, this initiative is called 'actions to support Genuine Partnerships with First Nations peoples'.
- The Genuine Partnerships initiative will support the Government's commitment to Closing the Gap by identifying the systems changes required to transform government organisations (Priority Reform 3) that will enable formal partnerships and shared decision making (Priority Reform 1).
- In first quarter of 2024, external engagements have been led by Mr Jeffries to define the role of government as a partner, and to identify non-legislative barriers to working in genuine partnerships with First Nations people. Engagement has focused on identifying practical actions to address barriers.
- This work has two main components:
 - **Partnership Playbook** – this is an internal to government resource to support public servants to develop skills in working in partnership with First Nations people, communities and organisations. The Partnership Playbook will provide clear, practical guidance on building and maintaining partnerships and shared decision making, and is due for release by 30 June 2025.
 - Aboriginal and Torres Strait Islander cultures and communities across Australia are not homogenous, and partnerships with Aboriginal and Torres Strait Islander people and communities will naturally be diverse.
 - Developing practical, whole-of-service guidance that accounts for this diversity has taken time, as has ensuring that this guidance is aligned with the broad range of legislative frameworks, guides and codes with which it intersects.
 - **Partnership Action Plan** – this plan will address non-legislative, system wide barriers and enablers to working in partnership with First Nations people,



many of which have been identified during consultations for the Partnership Playbook. This is due for release by December 2025.

- While the Closing the Gap

What external consultancy contracts have been entered into?

- The APSC entered into a contract commencing on 11 June 2024 to procure the services of First Nations Development Services to provide expertise and advice in connection with the development of the First Nations Playbook and action plan. Services include:
 - Design and development of workshops,
 - Design and development of partnership scenarios, and
 - Facilitation and debriefing of First Nations subject matter expertise workshops and discussions.
- First Nations Development Services is a wholly own Indigenous business providing high-level professional services to Aboriginal and Torres Strait Islander leaders, government agencies, non-government-organisations and corporate entities to enable them to support Aboriginal and Torres Strait Islander peoples in ways that strengthen agency, promote self-reliance and contribute to sustainable development at the individual, family and community levels.

Contract was extended from 31 July 2024 to 27 Dec 2024. The total contract value remained the same (\$33,000 inclusive of GST).

Is cultural competency training mandatory in APS?

As part of the updates made to the APS Enterprise Agreement in 2024, all Executive Level Two (EL2) staff are required to complete mandatory cultural competency training to foster safe and inclusive workspaces for First Nations staff. The APS Commission has three cultural eLearning training packages available to APS staff to support the uplift of cultural capability and cultural safety. This includes, the Cultural Capability Hub, NIAA's Footprints Framework and CORE: Cultural Learning: Aboriginal and Torres Strait Islander Australia (CORE) from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).

What is the SES100 and Boosting First Nations Employment initiative?

- The **SES100** is a key deliverable from the **Boosting First Nations Employment Package**. SES100 seeks to attract new Senior Executive Service (SES) recruits and promotions to reach 100 First Nations SES staff within the APS by 2025. This aligns with the Government's commitment to boost **First Nations employment across the APS to 5% by 2030**.
 - Prior to launching SES100, First Nations SES representation was 54, or 1.7% of the SES cohort (as at June 2023). As of the end of this reporting period, 30 June 2024, the number of First Nations SES is 85 (2.5%).



- Launched on 6 November 2023, the SES100 process received 209 applications and held 90 interviews. A further 39 applicants were rated suitable and placed in a merit pool.
- As of 13 January 2025, the merit pool has been utilised to place **26 candidates into SES roles**, leaving 13 candidates yet to be placed.
- A **second SES100 APS-wide recruitment exercise at the SES Band 1 and Band 2 level commenced in November 2024**, with SES Band 1 generalist and professional streams and SES Band 2 generalist merit pool's to be established in March 2025.

The SES100 is a joint project with the National Indigenous Australians Agency and the Australian Public Service Commission. The initiative received the prestigious **Kerry Kennedy Award** at the Institute of Public Administration Australia (IPAA) *ACT 2024 Spirit of the Service Awards* in October 2024 for achieving excellence by thinking outside of the box and collaborating

BACKGROUND

MEDIA - Nil

OTHER RELEVANT MATERIAL - Nil

TIMELINE – Nil

CLEARANCE SUMMARY

Justine Curnow Assistant Commissioner	Integrity, Reform and Enabling Services	Clearance date 6 February 2025	s 47F
s 47F	APS Reform	Office Phone	s 47F
Finance team quality assurance	N/A	Finance QA date	
Consultation	Diversity and Inclusion	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

APSC Freedom of Information

KEY MESSAGES

- The Commission is subject to the *Freedom of Information Act 1982* (FOI Act)
- The Commission processes FOI requests in accordance with the FOI Act.
- The data provided below is for the period 1 July 2024 to 31 December 2024.
- These dates align with the statistics submitted to the Office of the Australian Information Commissioner (OAIC) on a quarterly basis.

FACTS AND FIGURES

Between 1 July 2024 to 31 December 2024, the Commission received thirty-two (32) primary FOI requests and three (3) requests for internal review.

QUESTIONS AND ANSWERS

How many FOI requests were finalised during the period 1 July 2024 to 31 December 2024?

Forty-two (42) FOI requests and four (4) internal review requests were finalised during this period.

How many FOI requests were outstanding as at 31 December 2024?

The Commission had two (2) FOI requests outstanding at the end of the period.

How many FOI matters were with the OAIC as at 31 December 2024?

The Commission had seventeen (17) matters with the OAIC for review.

Does the Commission routinely seek external legal advice on FOI matters?

Generally no. The Commission may seek external legal advice on individual complex FOI requests, or if necessary to supplement resources within the team to meet statutory timeframes.

Does the Commission publish all documents disclosed under FOI on their website?

- The Commission maintains an FOI disclosure log on its website in accordance with FOI Act.
- For each request listed in the disclosure log, the Commission makes relevant documents available either by direct download, linking to other websites or providing information about how the documents may be obtained.
- During the relevant period, fourteen (14) requests were added to the Commission's disclosure log.



How is the Commission managing *[FOI requests relating to Code of Conduct Taskforce Report?]*

During this period, the Commission processed one (1) request relating to the Code of Conduct Taskforce Report.

How many Commission FOI matters are with the Administrative Review Tribunal?

As at 31 December 2024, the Commission is not aware of any FOI matters before the ART.

The Administrative Review Tribunal commenced on 14 October 2024.

Why did the Commission send a correction to a question on notice from the 2024-25 Budget Estimates?

Due to an administrative error, the Commission's count of FOI matters provided in response to a question on notice was incorrect. The Commission realised this error and provided a corrected response to the Committee. The Commission has improved its systems so that such errors will not happen again.

CLEARANCE SUMMARY

Sue Mahony General Counsel (a/g)	General Counsel Branch	Clearance date 15 January 2025	s 47F
Consultation	Nil	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

Attachment A

24A Requests may be refused if documents cannot be found, do not exist or have not been received

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

34 Cabinet documents

General rules

- (1) A document is an exempt document if:
 - (a) both of the following are satisfied:
 - (i) it has been submitted to the Cabinet for its consideration, or is or was proposed by a Minister to be so submitted; and
 - (ii) it was brought into existence for the dominant purpose of submission for consideration by Cabinet; or
 - (b) it is an official record of the Cabinet; or
 - (c) it was brought into existence for the dominant purpose of briefing a Minister on a document to which paragraph (a) applies e information is operational information of an agency.
 - (d) it is a draft of a document to which paragraph (a), (b) or (c) applies.
- (2) A document is an exempt document to the extent that it is a copy or part of, or contains an extract from, a document to which subsection (1) applies.
- (3) A document is an exempt document to the extent that it contains information the disclosure of which would reveal a Cabinet deliberation or decision, unless the existence of the deliberation or decision has been officially disclosed.

Exceptions

- (4) A document is not an exempt document only because it is attached to a document to which subsection (1), (2) or (3) applies.

Note: However, the attachment itself may be an exempt document.
- (5) A document by which a decision of the Cabinet is officially published is not an exempt document.
- (6) Information in a document to which subsection (1), (2) or (3) applies is not exempt matter because of this section if the information consists of purely factual material, unless:
 - (a) the disclosure of the information would reveal a Cabinet deliberation or decision; and
 - (b) the existence of the deliberation or decision has not been officially disclosed.

42 Documents subject to legal professional privilege

- (1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.
- (2) A document is not an exempt document because of subsection (1) if the person entitled to claim legal professional privilege in relation to the production of the document in legal proceedings waives that claim.
- (3) A document is not an exempt document under subsection (1) by reason only that:
 - (a) the document contains information that would (apart from this subsection) cause the document to be exempt under subsection (1); and
 - (b) the information is operational information of an agency.

47C Public interest conditional exemptions—deliberative processes

General rule

- (1) A document is conditionally exempt if its disclosure under this Act would disclose matter (*deliberative matter*) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of:
 - (a) an agency; or
 - (b) a Minister; or
 - (c) the Government of the Commonwealth.

Exceptions

- (2) Deliberative matter does not include either of the following:
 - (a) operational information (see section 8A);
 - (b) purely factual material.

Note: An agency must publish its operational information (see section 8).

- (3) This section does not apply to any of the following:
 - (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters;
 - (b) reports of a body or organisation, prescribed by the regulations, that is established within an agency;
 - (c) the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

47E Public interest conditional exemptions—certain operations of agencies

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency;
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

47F Public interest conditional exemptions—personal privacy

General rule

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - (a) the extent to which the information is well known;

- (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.
- (3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.

ESTIMATES BRIEF – Hot Issue**FLEXIBLE WORK**

Additional Estimates – Feb 2025

Flexible work across the APS**Subject/Issue**

- Flexibility helps the APS to deliver for the community. It ensures agencies can attract and retain skilled staff that reflect the communities they serve.
- As an outcome of APS bargaining, a new common clause on flexible working arrangements was negotiated. This approach to flexible work positions the public service as a model employer, consistent with Government policy.
- The clause assists in attracting and retaining talent from a more diverse range of locations, and represents a significant pillar of the APS employee value proposition.
- It is consistent with leading approaches to employee attraction and retention in the private sector.
- This ensures the APS can do its job and is part of public service effectiveness and productivity. It is also important for recruiting and retaining experienced employees.
- A number of initiatives are currently under way to support agencies in implementing the new approach to flexible working arrangements.

Key facts and figures

- Flexible working arrangements include more than just working from home. Other approaches include part-time work, flexible rostering, working in another location, and job sharing arrangements.
- The APSC collects data on flexible working arrangements through the annual APS Employee Census. In 2024:
 - **76 per cent** of respondents accessed some form of flexible work. This is broadly similar to **74 per cent** in 2023.
 - **83 per cent** of respondents were confident that if they requested a flexible work arrangement, the request would be given reasonable consideration. This is higher than **79 per cent** in 2023.
- In 2024, APS Employee Census respondents were also asked about the frequency of working away from the office/from home:
 - **39 per cent** did not work away from the office/from home
 - **47 per cent** did so some of the time as a regular arrangement

- **9 per cent** did so only on an irregular basis
- **6 per cent** did so all of the time.
- The proportion of APS employees working from home is relatively consistent across the work week.

Day	Proportion of employees who had an agreement to work from home each day
Monday	26%
Tuesday	21%
Wednesday	22%
Thursday	26%
Friday	29%
Saturday	2%
Sunday	2%

2024 APS Agency Survey. Data covers 60% of the APS workforce

- A majority of APS Employee Census respondents (**61 per cent**) who accessed some form of flexible working arrangement had caring responsibilities, an ongoing disability, or were older than 55. These categories of employees would be eligible to make a request for flexible working arrangements under the *Fair Work Act 2009* in many instances.
- The common clause on flexible working arrangements is incorporated into all **103 APS** enterprise agreements. All 103 agreements were operational by **mid May 2024**.
- Under the common clause, each individual employee request must be considered on a case-by-case basis, balancing the personal circumstances of the employee and the reasonable business grounds of the work team and agency.
 - The individual, team and agency needs include meeting work health and safety standards, maintaining security and integrity, at-work training and professional development opportunities, and ensuring high-quality public service delivery.
- The new clause specifies that employee requests for working from home will be considered on their individual merits, and commits that agencies will not impose collective caps on how much time can be worked from home or remotely.
 - The removal of caps does not mean that employees have an unfettered right to work from home.
- It is essential that managers and senior managers ensure the needs of the team and the agency are also met as part of these discussions.

Key points

New data collection on flexible working arrangements

- The APSC has collected data on the frequency, demographics and days of the week on which employees work from home through the 2024 APS Employee census and the 2024 APS Agency Survey.
- This data is being collected to ensure that potential challenges of flexible work can be understood and managed effectively.

Support for operation of flexible working arrangements in the APS

- Ahead of the common clause being adopted in EAs, the Secretaries Board endorsed the Principles of Flexible Work in the APS in March 2023. These Principles were a key input to the common term negotiated through APS-wide bargaining, providing a framework for considering flexibility at the individual, team and organisation level.
- Guidance on the common clause was also published and distributed to agencies after the conclusion of bargaining by the APSC.
- The APSC is expanding training of managers and senior managers to ensure that agency, team and individual needs are properly integrated in flexible work arrangements.
- The APSC's APS Location Framework supports agencies to make more informed and deliberate choices about their workforce locations, and using flexible work as an enabler to secure the skills they need.

Interaction between flexibility and productivity

- Productivity for the APS means delivering on the objectives of Government and providing effective services to the Government, the Parliament, and the Australian community.
- Flexible working arrangements are an effective method of boosting productivity when they meet the needs of the individual, their team and the agency.
 - The 2023 Australian HR Institute Survey found that more than four in ten employers (43 per cent) believed that work from home or hybrid work has had a positive effect on productivity levels at their organisation compared with only 10 per cent who think it has had a negative effect.
- Flexible work allows employees to work during the hours they are most productive, balance their personal and working lives to reduce stress and burnout, and gives employees greater autonomy to complete their work.
- Flexible working arrangements increase employee job satisfaction and engagement, and play a crucial role in attracting and retaining high performing employees. High engagement directly relates to productivity and effectiveness (World Bank Group, 2019).

- Employee engagement in the APS remains high. Research from the 2024 Employee Census shows that where an employee works does not affect their engagement levels. Employees who work from home have the same level of engagement as those who work hybrid from home and the office, and those who work in the office all the time.
- The APSC is undertaking work to provide a common understanding of productivity in the Australian Public Service, and will seek the input of the Productivity Commission on this project.

Impact of flexible work on the Commonwealth Governments office footprint in Canberra

- The APS continues to have a core presence in Canberra. At an individual agency level, agencies will continue to make choices about the location of their workforce and the corresponding property footprint required.
- The Department of Finance is responsible for the Commonwealth Property Management Framework and has worked with the APSC and the Attorney-General's Department to develop the APS Location Framework.
- The APS Location Framework focuses on helping agencies use workforce location as a tool to attract and retain the skills they need, and support good practice for those managing a dispersed workforce.
- The growth in our ability to work remotely has opened up a range of options for agencies and for employees. A number of agencies are already successfully recruiting employees across Australia to get the talent they need.
- The Australian Government Office Occupancy Report indicates that, for non-corporate Commonwealth entities, the average cost per worker for office tenancies has decreased by \$759, from \$9,459 for 2021-22 to \$8,700 in 2022-23. The total property operating cost has also decreased by 18 per cent in the same period.

Response to decisions by the new US administration, New Zealand government and NSW government to direct employees back to the office

- Commonwealth employment is covered by the *Fair Work Act 2009* which provides provisions for employees to request flexible working arrangements. These provisions are supplemented by provisions in agency level collective workplace arrangements.
- A common approach to requesting flexible working arrangements for the APS was negotiated in APS service-wide bargaining and included in all APS enterprise agreements.
- These provisions in enterprise agreements and other collective instruments provide processes for managing flexible working arrangements which are suitable for the APS operating environment and mutually beneficial for employees and employers.

- The APSC continues to monitor the application of flexible working arrangements and is preparing a report considering the benefits in consultation with agencies.

APSC report on flexible working arrangements

- The report will cover the operation of flexible working arrangements in the APS, with a focus on working away from the office.
- Now that the common flexible working conditions have been in place for almost 12 months, it's appropriate to make sure arrangements continue to support modern productive workplaces.
- The APSC will be engaging with agencies to collect robust data and information on how flexible working arrangements support them to deliver effective services to the Government, the Parliament and the Australian community prior to delivering a final report.

APS flexible working arrangements and industry norms

- The common clause builds on the legislated minimum conditions in the National Employment Standards, which apply to the majority of Australian workplaces. For example, the common clause allows all APS employees to request a flexible working arrangement, rather than limiting this ability to certain types of employees.
- This approach is consistent with the Government's commitment to ensuring the APS is a model employer. It also responds to claims tabled by various bargaining parties during bargaining, and as a key priority identified by APS employees in the recent round of bargaining.

Background

The Public Sector Workplace Relations Policy 2023 was released on 28 March 2023. The Policy contains separate arrangements for APS and non-APS agencies.

APS agencies employ staff under the *Public Service Act 1999*. Non-APS agencies employ staff under enabling legislation other than the *Public Service Act 1999*.

All APS agencies were required under the Policy to adopt the bargained common clause on flexible working arrangements, which was negotiated with unions and other employer representatives.

The new provisions on flexible working arrangements were incorporated into all 103 APS agency enterprise agreements, which are operational as of 9 May 2024.

Supporting information

Questions on Notice

- No Questions on Notice asked

Freedom of Information (FOI) Requests

- No FOIs Asked

Recent Ministerial Comments

- Nil

Relevant Media Reporting

- [Debate around hybrid and WFH arrangements persists amid ongoing push to return to office](#), Anushri Sood, [The ABC](#), 10 Feb 2025
- [Woolworths orders 10,000 staff back to the office](#), Euan Black, Australian Financial Review, 10 Feb 2025.
- ['Ship has sailed': Expert suggests full-time office work good for APS](#), Lucinda Garbutt-Young, The Canberra Times, 8 Feb 2025.
- [Price to follow Thatcher playbook, Greg Brown](#), The Australian, 1 Feb 2025.
- [Home affair: public servants' 'blank cheque to not be in office'](#), Noah Yim, The Australian, 31 Jan 2025.
- [The 'WFH holiday' is over: Peter Dutton's Coalition issues ominous work from home threat for hundreds of thousands of Aussies](#), Max Aitchson, The Daily Mail, 24 Jan 2025.
- [Pictures reveal how Aussie capital is crippled by working from home](#), James Willis, The Daily Telegraph, 18 Dec 2024
- [The biggest APS staffing booms in 2023-24](#), Miriam Webber, The Canberra Times, Nov 25 2024. [Why women could be 'locked out' of the APS if they can't work from home](#), Lucy Arundell, The Canberra Times, Sep 23 2024.

Date Cleared: 17 February 2025
 Cleared by (SES): James O'Reilly
 Telephone No: s 47F
 Group/Branch: Workplace Relations
 Contact Officer: s 47F
 Telephone No: s 47F
 Consultation: nil
 PDR Number: SB25-000033

ESTIMATES BRIEF – Hot Issue**Digital capability**

Additional Estimates – Feb 2025

Building the digital capability of the APS**Subject/Issue**

- The APSC and Digital Profession are working to ensure the APS has the digital capabilities needed to deliver safe, secure and trusted public services for the Australian community.

Key facts and figures

- A range of capability-building initiatives have been implemented across the APS to address well-articulated and economy-wide digital workforce challenges.
- Initiatives span the breadth of the employee lifecycle and include:
 - APS Digital Profession (established 30 April 2020)
 - Members' Community Platform
 - Skills Framework for the Information Age (SFIA)/Career Pathfinder (established as part of the Digital Profession)
 - APS Academy Campuses
 - Digital supported pathways
 - Whole of government Data, Digital and Cyber Workforce Plan

Key points*APS Digital Profession*

- The Digital Profession was established in response to recommendations made within the Independent Review of the Australian Public Service (2019).
- Costs for the ongoing administration of the Digital Profession are currently absorbed by the APSC.
- 55 of 60 Digital Profession initiatives were delivered as part of phase 1 implementation.
- The Digital Profession is centred on four pillars: attract, develop, retain, and deploy digital capability across the APS.

Member numbers	December 2023	December 2024	YoY % Growth
Digital Profession Members	13,554	14,088	~ ^4%

- The Digital Profession hosted over 90 events in 2024 (as at October 2024), including community meetups, panel events and workshops.

Members' Community Platform

- The Members' Community Platform is the primary tool used by the Digital and Data Professions' to facilitate connection and peer-based learning.

SFIA/Career Pathfinder

- A whole-of-country licence for SFIA (the Skills Framework for the Information Age) has been procured and will be used to map skill requirements for the APS workforce.
- The Career Pathfinder tool was developed by the Digital Profession, and helps s 47E(d) explore tailored career pathways, identify skill gaps and access development opportunities.

- s 47E(d)
- s 47E(d) The Digital Strategy and Services, Tasmanian Department of Premier and Cabinet (DPAC) has also expressed interest in leveraging the tool.

APS Academy Campuses

- APS Academy Campuses are a government-driven pilot policy initiative to develop a data and digital talent pipeline in regional areas (\$18.6 million over 3 years from 2022-23).
- There are currently two APS Academy Campuses in Townsville and Newcastle. As at 15 January 2025, there are 25 data and digital entry level participants across 9 participating agencies.

Participant numbers	Data cadet	Digital cadet	Digital apprentice
Townsville (5)	4	1	-
Newcastle (20)	12	7	1

Note: the number of campus participants fluctuates annually as participants graduate from the program.

Digital emerging talent pathways

- The APS has seen ~2,269 participants complete various digital supported pathways programs since inception in 2007.
- As of January 2025, the number of entry-level program participants include:
 - 91 digital and data cadets
 - 35 digital apprentices

- 30 digital trainees.
- A new cohort of 64 Digital Graduates will commence in February 2025 across 15 agencies.
- As of January 2025, 10 agencies have employed digital trainees under the Digital traineeship program, 306 trainees are on the merit list and 30 trainees are currently employed across the APS.
- The APSC is working to increase agency participation to meet government's commitments, and support agency efforts to reduce reliance on contractors and consultants over time.

Whole of government Data, Digital and Cyber Workforce Plan

- The Data, Digital and Cyber Workforce Plan (Workforce Plan) was established in response to the *Data and Digital Government Strategy* (2023) and the s 47E(d) [REDACTED]
- The Workforce Plan will be released in March 2025 and includes 25 workforce initiatives spanning three time horizons (2025-2030).
- The Workforce Plan contributes to priority three of the APS Reform agenda (strengthen capability), and builds on the foundational work of the APS Workforce Strategy 2025.
- The APSC has consulted with over 14 Commonwealth agencies, industry and academia to develop the Workforce Plan.

Background

Australia is estimated to need 1.2 million tech jobs by 2030 to keep pace with rapid transformation (Tech Council of Australia). In addition to the digital skills shortage, there is a substantial under-representation of people from diversity groups in digital and ICT roles in the APS including women and Aboriginal and Torres Strait Islander people.

The Government is working closely with the Commission and the Department of Finance to gain a deeper understanding of the skill shortages APS agencies are experiencing.

APS Professions

The 2019 Independent review of the Australian Public Service recommended the establishment of APS Professional Streams to develop and deliver targeted capability-building initiatives in areas with critical capability gaps, including digital.

Career Pathfinder

Career Pathfinder was a product of the Building Digital Capability program (Modernisation Fund New Policy Proposal 2016/17).

Australian Government Digital Traineeship Program

From October 2022, the APSC co-designed the Australian Government Digital Traineeship Program (AGDTP) to complement existing digital entry pathway programs (the Digital Graduate Program, Digital Cadetship Program). The AGDTP was designed in consultation with agencies in direct response to the Agency Survey results and aims to address the digital capability gap and the anticipated agency digital capability needs identified over the next 5 years.

The program was designed to be flexible in order to meet emerging and changing capability needs across the APS in regional and metro areas around Australia. Supporting tailored credentialed and micro-credentialed based on agency need and candidate experience.

Applications are open to candidates from all experience levels who are seeking to enter the APS. In particular, the program aims to attract First Nations peoples; women re-entering the workforce or seeking a career change; people 45 years and older; and Australian Defence Force personnel transitioning into civilian roles and their partners.

Data and Digital Government Strategy 2030

On 15 December 2023, the Australian Government released the Data and Digital Government Strategy (the Strategy). The Strategy sets out the Australian Government's 2030 vision: *To deliver simple, secure and connected public services for all people and business through world class data and digital capabilities.*

The Skills Guarantee Procurement Connected Policy applies to direct Commonwealth procurements in the ICT sector, with a total contract value of \$10 million or more. Initially, targets for apprentices, trainees and paid cadets, and targets for women, will be negotiated with suppliers on a project-by-project basis.

The \$81.5 million Cyber Security National Workforce Growth Program is developing the cyber security skills Australia requires now, while also creating the cyber workforce pipeline we need into the future.

Supporting information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- FOI request LEX937. Digital Traineeship: relevant information regarding assessment of a candidate application, including agencies that have initiated contact regarding that application. Response provided on 10 May 2024.
- FOI request LEX1077. Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response provided on 30 September 2024.

Recent Ministerial Comments

- [APS ready to bring down barriers in Digital Workforce participation | Finance Minister](#)

Relevant Media Reporting

- Nil.

Date Cleared:	24/01/2025
Cleared by (SES):	Subho Banerjee
Telephone No:	s 47F
Group/Branch:	Professions and Pathways Group
Contact Officer:	s 47F
Telephone No:	s 47F
Consultation:	Nil
PDR Number:	SB25-000034

ESTIMATES BRIEF – Hot Issue**APS ACADEMY**

Additional Estimates – Feb 2025

APS Academy Campuses**Subject/Issue**

- APS Academy Campuses are a pilot policy initiative of the Australian Government to develop a data and digital talent pipeline in regional areas.
- Through partnering with regional universities, successful applicants work from campuses and participate in the Data and Digital programs while at the same time, delivering digitally enabled and data-informed services to the Australian community.
- A report on the first 12 months of operation identified areas for continuous improvement, and assurance the program is achieving its policy intent.

Key facts and figuresCurrent APS Academy Campuses

- As of 15 January 2025, APS Academy Campuses in Newcastle and Townsville currently support 25 data and digital entry level participants. The number of participants fluctuates annually as participants graduate from the program.
- The Newcastle APS Academy Campus was officially opened by Minister Gallagher on 6 July 2023.
 - It is operated in partnership with the University of Newcastle
 - It supports 20 participants, comprising data cadets (12), digital cadets (7), digital apprentice (1)
- The Townsville APS Academy Campus was officially opened by Assistant Minister Gorman on 27 October 2023.
 - It is operated in partnership with James Cook University
 - It supports 5 participants, comprising data cadets (4), digital cadets (1)

Capitalised costs for fit out and equipment for the Campuses are:

- Newcastle: \$436,000
- Townsville: \$788,000
- Total: \$1,224,000
(excluding GST)

The non-capital operating expenses for the Campuses program and facilities are:

- 2022-23: \$1,347,000
- 2023-24: \$1,193,000
- Sep 2024 YTD: \$281,000
(excluding GST)

Key points

- Over the last 18 months, the APS campus model has demonstrated success in establishing regional data and digital talent pipelines, by supporting 52 data and digital participants on behalf of 13 agencies.
- 41% of evaluated participants would not have considered APS employment if the campus model wasn't available, attracting a previously untapped talent pipeline by providing locally situated career pathways.
- The support offered from Campus Supervisors has been key with 73% of evaluated participants reporting high satisfaction, Participants value the peer based collaboration and easy access to work from university.
- Supervisors are also supportive of building entry level talent using the campus model, and would continue to employ regional talent where it aligns with agency approaches to location and workforce employment.
- The campus model and quality of delivered programs retains data and digital talent. 93% of participant successfully finished their programs in 2024, reporting on the job experience was an advantage to their tertiary studies, and also increased their confidence in their abilities to work for the public service longer term.
- High quality merit lists for both locations evidence a healthy supply line to build APS data and digital workforce capacity. Agencies with location policies aligned to employment outside of Canberra and capital cities will benefit.

Background

The measure was originally part of the former government's 2022-23 Budget's Supporting Regionalisation Package to create unique training and employment opportunities in the APS for students in regional areas and outside of Canberra.

In the October 2022-23 Budget Cabinet decided to retain the *Growing Regional Data and Digital Talent* measure (\$18.6 million over 3 years from 2022-23).

Detailed placement data by agency – As at 15 January 2025	AGENCY	ROLE	Newcastle	Townsville	Total
Australian Bureau of Statistics	Data Cadet	1		3	
	Digital Cadet	2			
Australian Research Council	Data Cadet		1	1	
Australian Securities & Investments Commission	Digital Cadet	2		2	
Australian Taxation Office	Data Cadet	3		6	
	Digital Cadet	3			
Department of Health & Aged Care	Data Cadet	5		5	
Digital Transformation Agency	Data Cadet	1		1	
IP Australia	Data Cadet		1	2	
	Digital Cadet		1		
Services Australia	Data Cadet	2	1	4	
	Digital Apprentice	1			
Australian Competition and Consumer Commission	Data Cadet		1	1	
Grand Total		20	5	25	

Supporting information**Questions on Notice**

- Ref Q0069 - SQ24-000096 - APS Academy and APS Academy Campuses operation costs and ASL. Budget Estimates asked 30 May 2024. Date set for response 25 July 2024. Signed by Minister for Finance 15 July 2024.

Freedom of Information (FOI) Requests

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.

Recent Ministerial Comments

- Nil

Relevant Media Reporting

- 18/10/2022 – ‘New public service jobs for regional communities’ Media release from Senator the Hon Katy Gallagher announcing the campuses:
<https://ministers.pmc.gov.au/gallagher/2022/new-public-service-jobs-regional-communities>
- 16/6/2023 – ‘Launch of APS Academy in Newcastle’ Media release from Senator the Hon Katy Gallagher: [LAUNCH OF APS ACADEMY IN NEWCASTLE \(katygallagher.com.au\)](https://katygallagher.com.au)
- 27/10/2023 – ‘Launch of the APS Academy Campus in Townsville’ Media release from The Hon Patrick Gorman MP [Launch of the APS Academy Campus in Townsville | Ministers Media Centre \(pmc.gov.au\)](https://ministers.pmc.gov.au)

Date Cleared: 24/01/2025
Cleared by (SES): Subho Banerjee
Telephone No: s 47F
Group/Branch: Professions and Pathways Group
Contact Officer: s 47F
Telephone No: s 47F
Consultation: Nil
PDR Number: SB25-000035



ADDITIONAL ESTIMATES – FEB 2025

APS Academy – Leadership Programs

KEY MESSAGES

- The Leadership and Talent Development Branch deliver programs to build APS leadership capability in line with the Commissioners' functions in the *Public Service Act 1999* s 41 and APS Reform (capability pillar).
- Branch priorities include:
 - Talent assessment and development programs for SES Band 3s, high potential SES Band 1s and 2s and First Nations leaders (SES B1-2s and EL2s).
 - Cohort-based immersive leadership development programs for senior executives (SES Orientation; SES B1, B2 and the Senior Executive Stewardship Program for SES B3s and Agency Heads).
 - Cohort-based social learning at scale for graduates and middle managers including the APS Graduate Development Programs and Leadership Edge.
 - Administration of APS-wide participation in leadership-focused scholarship and secondment programs.
- The APS Academy designs and facilitates programs in partnership with specialist providers.
- In alignment with the Strategic Commissioning Framework, the APS Academy accesses specialist skills from service providers to complement the core capabilities of Academy staff and APS practitioners.
- The majority of programs are fully cost recovered, including recovery of direct and indirect costs associated with design, development, delivery and evaluation.

FACTS AND FIGURES

Program participation and supplier costs for FY 2023-24 compared with FY 2022-23

- More leadership programs were delivered:
 - **48** programs were delivered in FY 2023-24 [*an increase from 42 in FY 2022-23.*]
- The number of participants increased:
 - **3842** APS officers participated in FY 2023-24 [*an increase from 1107 participants in FY 2022-23 largely driven by introduction or expansion of our social learning at scale programs: Leadership Edge; APS Graduate Development Programs, Coaching and Events and Indo-Pacific Executive Development Program*]
- The cost per participant decreased:
 - The average cost per participant was **\$1122** in FY 2023-24 [*a decrease from \$2774 in FY 2022-23.*]



Program participation for Quarter 1 & 2 FY 2024-25

- **36** programs have been delivered so far in FY 2024-25. [*13 APS leadership programs were delivered in Q1 FY 2024-25 and 21 in Q2 2024-25, noting many of our programs run over quarters*].
- **3716** APS officers have participated in APS leadership programs so far in FY 2024-25 [*2273 in Q1 and 1578 in Q2; close to our total number of participants in FY23-24.*]

Programs for FY 2023-24 utilising external facilities

- **8** short-form programs for a total of **2094** participants were held at **7** venues during the 23-24 FY.
- **7** multi-day residential (SES B1, B2 and B3) were held at **5** different venues.

Programs for Quarter 1 & 2 FY 2024-25 utilising external facilities

- **9** short-form programs were held at **8** venues [SES Welcome; SES B2 Re-connection, Indo-Pacific Graduation; *Graduate Event Series x 2 and graduation; Yawarra and Bulabul*] *Connections x 3 total*] for **1183** participants to date this financial year.
- **4** multi-day residential have been held at **4** different venues to date this financial year.

Summary

- The APS Academy offers a range of programs to deepen leadership and management capability and support a 'One-APS' mindset and positive workplace cultures. These include:
 - [Talent assessment and development programs](#) for all SES Band 3s and high potential SES Band 1s and 2s. These programs are overseen by the Secretaries Talent Council and Deputy Secretaries Talent Council.
 - [The First Nations' Talent Assessment and Development Program](#) for SES Band 1 and 2 (Yawarra) and Executive Level 2 (Bulabul) leaders as part of the Boosting First Nations Employment in the APS Initiative.
 - Cohort-based, immersive programs to support our SES leaders to enhance leadership capabilities critical to APS performance, including:
 - [SES Orientation](#), [SES Band 1 Program](#), [SES Band 2 Program](#), and the [SES Band 3 Senior Executive Stewardship Program](#) for Deputy Secretaries and Agency Heads.
 - This year, for the first time, the SES B1 program was delivered for a cohort of leaders from Australia and across the Pacific.
 - Scalable, cohort-based social learning offerings for larger cohorts of EL leaders and graduates including:
 - [APS Graduate Development Program](#)
 - [EL2 Continuous Professional Development](#) (APS Leadership Edge)
 - [The Indo-Pacific Executive Development Program](#).
 - Whole-of-APS scholarship and secondment programs build core craft and cultural capability in individuals and across the system, including:



- [Sir Roland Wilson Scholarship](#) and SRW [Pat Turner Scholarship](#) Programs, administered by the Sir Roland Wilson Foundation at the Australian National University (ANU) and delivered at ANU and Charles Darwin University and with the support of participating APS agencies.
- [Dr Margot McCarthy Scholarship](#), in partnership with the Secretaries and Deputy Secretaries Talent Councils.
- [APS Jawun Secondment Program](#), in partnership with NIAA, Jawun and 70+ participating Commonwealth agencies.
- All programs are grounded in the APS Values, the Secretaries Charter of Leadership Behaviours and the APS Leadership Framework.

OTHER RELEVANT MATERIAL

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.
- FOI request (LEX 1311) - Relating to the up-coming Graduate Development Program event, 6 March, 2025. Decision due 17 February 2025

CLEARANCE SUMMARY

Kate Boxsell Assistant Commissioner	Leadership and Talent	Clearance date 22 January 2024	s 47F
s 47F	Executive Programs	Office Phone	s 47F
Finance team quality assurance	N/A	Finance QA date	
Consultation	N/A	Is content sensitive? ¹	Yes – contains commercial material

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

ESTIMATES BRIEF – Hot Issue**INVESTING IN THE APS**

Additional Estimates – Feb 2025

Investing in the APS to better deliver for Australians**Subject/Issue**

The Government has invested in the APS through APS Reform and other measures, to ensure it is best placed to perform its role. Increased resourcing has been targeted on improving service delivery and building capability to meet the growing and more complex needs of Australians.

Key facts and figures

- The APS exists to serve the Government, the Parliament and the Australian people, as set out in Section 3 of the *Public Service Act 1999*.
- It serves the government of the day by developing and delivering its policy agenda and priorities.
- The APS is critical national infrastructure and enables Australia's democratic system of government.
- A strong public service is essential to the health, wealth and livelihood of Australians through every stage of life.

APS Headcount as at 30 June 2024

- APS headcount is a point in time snapshot of the number of ongoing and non-ongoing employees in the APS, employed under the Public Service Act.
- The APS had 185,343 staff across Australia on 30 June 2024.
- 40,720 staff (22% of staff) are now in service delivery roles in the APS.
- APS headcount has **increased by 26,153 staff (16.4%) since June 2022**, and by 15,214 staff (8.9%) since June 2023.
- Of the additional 26,153 staff:
 - 7,703 are in service delivery roles (service delivery job family) providing front line support to Australians across the country in agencies like Services Australia, DVA, and the NDIA.
 - 6,781 more staff are in supporting roles such as portfolio, program and project management (job family), back of house clerical and data entry roles, and trainees, cadets and apprentices (administration job family).
 - More staff are supporting national priorities like defence and health:
 - 2,923 more staff in the Department of Defence
 - 1,484 more staff in the Department of Health and Aged Care
 - 1,363 more staff at Home Affairs.

- Converting contractors and labour hire into permanent roles has rebalanced the workforce. Between 2023 and 2024, there was a:
 - 12.7% increase in permanent (ongoing) employees
 - 20.5% reduction in non-ongoing employees.

APS staff in locations outside Canberra

- APS staff are in 583 locations around Australia, including in regions.
 - 63% of staff are located in states other than the ACT.
 - The proportion of public servants in the ACT has reduced to 36.9%, compared to 38.1% in 2023 and to 38.3% in 2022.
 - 22,881 staff work in regional areas.
 - Regional service delivery staff increased by 10.6% in the past year.
- In 2024, the number of SES working outside of Canberra increased by 1.9%, meaning 128 more SES closer to the communities and industries they serve.

ASL in the public sector

- ASL refers to ‘average staffing level’ and measures the average number of full-time equivalent employees, over the span of a year, adjusted for work hours per person.
- Headcount data and ASL data are different. ASL reflects the impact of decisions relating to both ongoing and terminating measures, and counts an additional number of public sector entities.
- The public sector had 209,150 staff across Australia on 30 June 2024.
- ASL in the public sector has **increased by 20.6% or 35,764** since 2022.
- As at the 2024-25 Budget, 46 entities were in-scope for ASL collection that were not in-scope for APSC headcount data. Examples include:
 - the Australian Federal Police: 7,930 ASL
 - the CSIRO: 5,904 ASL, and
 - the Australian Broadcasting Corporation: 4,313 ASL.
- The ABS measures the number of employees (headcount) engaged by the Australian Government. This includes Defence personnel (uniforms) and those employed outside of the Public Service Act.
- Employment estimates measured by the ABS are for the month in which they are reported. Data is collected based on ATO payroll information.

Table 1: Public sector workforce data sets*

Public sector workforce data sets	For 2022	For 2024	Difference between 2024 and 2022
ASL estimates	173,386 (2022 PEFO baseline)	209,150 (2024-25 Budget ASL Collection)	35,764
APS Headcount	159,190 (as at June 2022)	185,343 (as at June 2024)	26,153
ABS employment estimates	339,300 (as at June 2022)	365,400 (as at June 2024)	26,100

* Department of Finance figures supplied 17 February 2025

Employee engagement

- Since the conclusion of APS bargaining, there has been a significant increase in satisfaction with monetary and non-monetary employment conditions.
 - Just under two-thirds (63%) of staff felt fairly remunerated for the work they do in 2024 – a marked increase on 51% in 2023.
 - In 2024, 82% expressed satisfaction with their non-monetary employment conditions (74% in 2023). This is the highest level ever recorded for the APS overall.
- APS employee engagement is at its highest ever level.
 - 91% of staff are 'happy to go the extra mile at work when required'.
 - 93% understand how their role contributes to achieving an outcome for the Australian public (highest response since 2019).

Achievements

- Australia is 1 of 3 countries which saw improvements between 2021 and 2023 in all five domains of public trust (responsiveness, reliability, openness, integrity and fairness).
 - 46% of Australians reported high or moderately high trust in the federal government, above the OECD average of 39%¹ (8% increase since 2021).
- Environmental approvals – doubled the average on-time approval rate (from 47% to 84%).
- The DVA significantly reduced claim processing time from 101 days in 2023 to 85.6% of claims allocated within 14 days by December 2024, and cleared Royal Commission 41,799 unallocated compensation claims backlog, with 97% of claims now completed.
- 4000 additional frontline staff at Services Australia have resulted in improvements in claims backlog and processing times:

¹ [OECD Trust in public institutions](#) survey 2023

- Aged pension payments, paid parental leave, and Medicare claims being completed up to 99 per cent faster.
- Health related calls to Services Australia are answered in less than half the time
- Social security and welfare calls have improved by almost a third.
- From January to March and October to December 2024, Services Australia processing claims times have become faster.
- Average claim time processing reductions include:
 - Aged Pension claims 52 days faster (32 days down from 84 days, a 61% improvement)
 - Carer Payment claims 59 days faster (17 days down from 76 days, a 82% improvement)
 - Commonwealth Seniors Health Card claims 28 days faster (22 days down from 50 days, a 56 % improvement)
 - Disability Support Pension claims 52 days faster (57 days down from 109 days, a 47% improvement)
 - Paid Parental Leave claims 28 days faster (3 days down from 31 days, a 90% improvement)
 - New applications for Family Tax Benefit 48 days faster (6 days down from 54 days, 89% improvement)
 - Jobseeker Payment claims 19 days faster (8 days down from 27 days, a 70% improvement)
 - PBS Safety Net processing times 144 days faster (2 days down from 146 days, a 99% improvement)
 - Medicare patient claims 5 days faster (2 days down from 7 days, a 71% improvement).²
- NDIA - reduced the average time it took for a participant to leave hospital, once medically ready, from 27 days (in June 2023) to 20 days (in November 2024).
- NDIS Quality & Safeguard Commission - stronger action being taken against non-compliant providers, issuing almost 35% more banning orders and distributing 160% more compliance notices in 2023-24 compared to previous year.^[1]
- Credential Protection Register - blocked more than 300,000 attempts by cyber criminals to use Australians' stolen identity documents.
- Core work is being brought back in house, and the APS is reducing spending on external labour and consultants:

² Minister Gallagher media release 21 February 2025 'Latest Services Australia data shows faster times across the board'

^[1] Shorten media release 1 November 2024, 'NDIS Quality and Safeguards Commission issuing record fines and banning orders'

- The 2022 Audit of Employment found external labour formed almost 54,000 full-time equivalent positions and cost \$20.8 billion.
- Through the Strategic Commissioning Framework, which requires agencies to bring core work in-house, agencies expect to cut spending on external labour by more than \$500 million in 2024-25.
- Australian Government Consulting, displaced over an estimated \$3.6 million in external consulting spend (in just over 12 months) by bringing expertise in house to deliver 15 engagements including projects in strategic policy and organisational transformation.
- 22 of the 59 (38%) APS Reform initiatives are complete with the remaining 37 initiatives (62%) progressing through design, planning and delivery.
 - Collectively these strengthen the APS's integrity, capability and service delivery function to better serve the Australian community.

Evolving requirements and population growth

- Since 2006, there have been significant changes in social, economic, geopolitical and environmental challenges and the functions, capabilities and technologies the APS uses to support the Government and the public.
- Population growth increases demand for government services and support including healthcare, welfare, aged care and education.
- The size of the APS relative to the population it serves, and to the wider labour force, has fallen since 2006/07.

Table 2: ASL compared to total population and total labour force

Measure	2006-07	2013-14	2023-24	2024-25
Total population	20,827,622	23,475,686	27,122,411	27,508,459 ³
Total labour force	10,424,300	11,528,600	14,366,300	14,573,800 ⁴
ASL revised estimates	167,596	177,258	197,108	209,150 ⁵
ASL as a percentage of population	0.80%	0.76%	0.73%	0.76%
ASL as a percentage of labour force	1.61%	1.54%	1.37%	1.44%

Workforce planning for the future

- The APS is preparing a APS Data, Digital and Cyber Workforce Plan to address emerging challenges including:

³ Population from Australian Bureau of Statistics' Population clock Jan 2025. Source: [Australian Bureau of Statistics](#).

⁴ Labour force estimate as at December 2024, seasonally adjusted. Source: [Australian Bureau of Statistics](#).

⁵ ASL estimate as at 2024-25 Budget. Source: [Budget Paper No. 4](#).

INVESTING IN THE APS

- Capability shortfalls in data fluency and analytic capability with 70% of APS agencies reporting critical data skill shortages.
- Difficulty attracting and developing specialist digital skills, an ageing workforce and legacy technology, with 150 APS systems predicted to reach technical retirement by 2029.
- Attraction and retention of cyber specialists amidst an estimated 4 million global cyber security workforce shortage.

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- No FOIs asked.

Recent Ministerial Comments

- [Press conference - Draper St Service Centre, Cairns](#) 19 February 2025
- [New figures reveal importance of public service for flood-affected communities](#) | Minister's media release 19 February
- [Doorstop - Woden Service Centre | Ministers' media centre](#), Canberra, 20 January 2025
- [Radio interview - ABC Canberra | Ministers' media centre](#), Canberra, 17 January 2025
- [Statement on appointment as Minister for Government Services | Ministers' media centre](#), 16 January 2025
- [Doorstop interview - Devonport | Ministers' media centre](#), Tasmania, 15 January 2025
- [Radio interview - Triple M Hobart | Ministers' media centre](#), 15 January 2025
- [Minister's Press Conference](#), Sorrell, Tasmania, 14 January 2025
- [Press conference - Canberra | Ministers' media centre](#), 13 January 2025
- [Annual Statement on APS Reform](#), Speech, 5 December 2024
- [Highly engaged APS is delivering for the Australian community | Ministers' media centre](#), 26 November, 2024
- ['Rebuilding and rebalancing public service critical for Australia's future'](#), Senator Hon Katy Gallagher, 6 May 2024.
- [Services Australia delivers 900,000 claims, reduces call wait times](#), The Hon Bill Shorten MP, 30 July 2024
- [National Press Club Speech - Government Services in Australia: the next decade](#), The Hon Bill Shorten MP, 13 August 2024

Relevant Media Reporting

- [Gallagher draws election line on Centrelink speed of service](#), The Mandarin, 21 February
- [Dutton's potential cuts to indigenous spending revealed](#), The Canberra Times, 14 February
- [How would Peter Dutton cut public service numbers?](#), Pearls and Irritations, 14 February
- [Barbara Pocock releases new analysis of Coalition outsourcing](#), The Canberra Times, 14 February
- [Billions on labour condemned as 'wasteful'](#), The Mandarin, 14 February
- [Coalition wrong on number of new public servants in Canberra](#), APP, 12 February
- ['Drain the swamp' - \\$230 Billion wages bill for public servants](#) – Radio mention, 12 February
- ['No wonder we're going broke': Radio host scrutinises immense level of government bureaucracy as latest stats raise eyebrows | Sky News Australia](#), Sky News, 12 February
- [A.P.S. Jobs Under Threat - 2CC Talking Canberra](#), 2CC, 12 February
- [Sensible APS efficiency savings, amid the Canberra bashing](#), The Mandarin, 11 February

- [Hume flags stewardship questions over public service headcount](#), The Mandarin, 11 February
- [Warning over the result of APS job cuts](#), The Canberra Times, 11 February
- [Politicians spin numbers as public service jobs debate fuels misleading claims and financial contradictions](#), The Mercury, 11 February
- [Littleproud says 'hardly any' public servant jobs to go under Coalition government in significant backdown](#), The Guardian, 10 February
- [Labor's \\$11.1 Billion Budget Lie](#), Jane Hume, 10 February
- [Everyone hates government spending – until someone tries to cut it](#), WA Today, 10 February
- [Gallagher rules out more APS growth](#), The Mandarin, 10 February
- [Labor accused of budgeting for 20,000 fewer bureaucrats](#), The Australian, 10 February
- [Defence, Centrelink among the '36,000' added jobs in Dutton's crosshairs](#), ABC, 9 February
- [Dutton's war on waste, Pearls and Irritations](#), 8 February
- [Peter Dutton coy on what public servant jobs he will slash if he wins election](#), The Guardian, 6 February
- [Peter Dutton is promising to slash the public service. Voters won't know how many jobs are lost until after the election](#), The National Tribune, 5 February
- ['Please explain' on flat public service wages](#), The Australian, 5 February
- [Dutton 'knows' how to trim fat](#), The Canberra Times, 3 February
- [Confusion over Liberal plan to cut public service](#), Sydney Morning Herald, 3 February
- [Dutton shrugs off Labor's new scare campaign](#), The Australian, 3 February
- [Coalition cuts to public service and 'wasteful spending' won't be announced until after election, Dutton suggests](#), The Guardian, 2 February
- [Academics who back APS cuts are living in glass houses](#), The Canberra Times, 1 February
- [Price to follow Thatcher playbook](#), The Australian, 1 February
- [David Pocock weighs in on where the APS could find savings](#), The Mandarin, 31 January
- [Mirroring Trump, Peter Dutton takes aim at diversity and inclusion workforce](#), ABC, 31 January
- [Peter Dutton's push to axe DEI public service positions 'straight from the Donald Trump playbook'](#), The Guardian, 31 January
- [Where Dutton could cut APS: expert](#), The Mandarin, 30 January
- [Katy Gallagher defends Labor's public service efficiency dividend | The Canberra Times | Canberra, ACT](#), The Canberra Times, 30 January
- [Dutton's plan to slash Cth spending concerns, but are they valid? | The Canberra Times | Canberra, ACT](#), The Canberra Times, 29 January
- [Dutton wants to slash thousands of government jobs in an Elon Musk-style crusade. But what's actually on the chopping block?](#), 29 January, The Guardian
- [Where experts say Dutton could make APS cuts 'without anyone noticing'](#), The Canberra Times, 29 January
- [Peter Dutton confirms he would cut APS jobs from Canberra | The Canberra Times | Canberra, ACT](#), The Canberra Times, 28 January
- [Dutton's take on public servants is just game-talk](#), The Mandarin, 20 January 2025
- [Public service hiring surge: Is it a catalyst for inflation?](#), HC Magazine, 21 January 2025
- [Katy Gallagher flies public service banner for Labor's federal election bid](#) – The Mandarin , 15 Jan 2025
- [Minister warns 480 government jobs on the line for Hobart locals](#) 16 January 2025
- [Cuts to bureaucracy 'challenging': Newman](#) – Jack Quail – The Australian. 15 January 2025
- [A Dutton government would slash NW jobs and federal services, Labor claims](#) – Sean Ford – The Advocate, 15 January 2025
- [Unrealistic public sector pay claims risk an inflation budget hangover](#), AFR, 14 January 2025
- [PM and Gallagher ramp up defence of APS jobs as election looms | PS News](#), 14 January 2025
- [Katy Gallagher heads to Tasmania to defend public service jobs | Braidwood Times |](#), 13 January 2025
- [Federal budget: Finance Minister Katy Gallagher tries to explain an unexplainable \\$7.4 billion public wages black hole](#), AFR, 9 January 2025

INVESTING IN THE APS

- [Public servant wages have blown out by \\$12b since the election](#), AFR, 8 January 2025
- [Coalition's nuclear policy: Fact vs fiction | The Canberra Times | Canberra, ACT](#), Canberra Times, 28 December 2024
- [Coalition now says it will slash as much as \\$30 billion from the public service](#), Riot Act, 18 December 2024
- [Veterans' support drives deeper budget deficit, Chalmers says | The Canberra Times | Canberra, ACT](#), Canberra Times, 14 December 2024
- [Unbelievable amount the Albanese government has spent on producing six podcasts - and most Aussies will never have heard of them before | Daily Mail Online](#), 12 December 2024
- [APS cuts rejected - ExecutiveCareer](#), 9 December 2024
- [Australian Government Consulting saves \\$3.6m in outsourcing costs | The Canberra Times | Canberra, ACT](#), The Canberra Times, 5 December 2024
- [Historic increase in ongoing APS employment](#), The Mandarin, 4 December 2024
- [Labor hits back at Coalition threat to public service](#), PS News, 2 December 2024
- [Integrity matters on the radar of APS commissioner](#), 28 November 2024
- [APS report marks improvement - ExecutiveCareer](#), 28 November 2024
- ['Significant skill gaps' across the APS - Government News](#), 28 November 2024
- [Albanese government defends public service growth as workforce surges 30,000 in three years](#), The Guardian, 26 November 2024
- [Big bang and a mountain of words on stewardship](#), 15 November 2024
- [Labor cuts spending on major consulting firms by \\$890m over two years as public service is expanded](#), 5 November 2024

Date Cleared: 21 February 2025
Cleared by (SES): Gordon de Brouwer
Telephone No: S 47F
Group/Branch: Integrity, Reform and Enabling Services
Contact Officer: S 47F
Telephone No: S 47F
Consultation: APSC, Department of Finance, Services Australia, ATO
PDR Number: SB24-000125



ADDITIONAL ESTIMATES – FEB 2025

State of the Service Roadshow

KEY MESSAGES

- The State of the Service Roadshow is an annual event series, run by the APSC
- The roadshow engages Australian public servants about the prominent topics covered by the State of the Service Report.
- In 2024, four events were held in March in Canberra, Newcastle, Townsville and Perth.

FACTS AND FIGURES

- In 2024, the State of the Service Roadshow was held as:
 - a hybrid (both in person and virtual) event in Perth on 1 March
 - a hybrid event in Canberra on 5 March
 - an in-person event in Newcastle on 6 March, and
 - an in-person event in Townsville on 15 March.
- There were 2,575 virtual attendees at hybrid events and 890 at in-person events.
- Events included a Welcome to Country, keynote, panel discussion and audience Q&A.
- Sessions were themed to align with prominent issues in the State of the Service Report.
- Total expenditure (GST inclusive) was \$64,479.70 across:
 - Perth - \$24,304.03
 - Canberra - \$21,764.00
 - Newcastle - \$8,384.40
 - Townsville - \$10,027.27.
- The Hon Patrick Gorman MP, Assistant Minister for the Public Service, was the keynote speaker in Perth, Canberra and Newcastle.
- Dr Rachel Bacon, Deputy Australian Public Service Commissioner delivered opening remarks in Townsville.
- Gordon de Brouwer, Australian Public Service Commissioner was a panellist in Perth and Canberra.
- Other senior leaders from across the APS also participated in the panel discussions.
- A 2025 State of the Service Roadshow series is being planned for March 2025.

QUESTIONS AND ANSWERS

Who decided the keynote speakers, panellists and locations?

The APS Commissioner decides the locations, format, keynote speakers and panellists. This is informed by previous event evaluations and consultation with relevant stakeholders, including the Assistant Minister as keynote speaker.



Were in-person events well attended?

Registrations for each event reached capacity and both in-person and virtual options were well attended.

Did the APSC use contractors to run this event series?

Events were managed and delivered in-house by the APSC events team with support of external suppliers such as venues and catering services as required.

Why did it cost \$64,479?

Costs are commensurate with events of this scale. The total cost covered venue hire, live streaming and AV requirements, event staff travel and light refreshments.

Is a Roadshow series planned for 2025?

Yes, a Roadshow series is being planned for March 2025. This will be in a scaled back format to 2024, with two in-person locations and a virtual event. Locations are yet to be finalised.

BACKGROUND

MEDIA

The 2024 State of the Service Roadshow attracted 45 media mentions from 21 January to 19 April 2024. Topics included the Government's focus on integrity and transparency, APS Bargaining, flexible working and IT skills shortages. Relevant media coverage can be found [here](#).

CLEARANCE SUMMARY

s 47F Executive Director	Engagement and Communications	Clearance date 21 January 2025	s 47F
s 47F	Events		s 47F
Finance team quality assurance	s 47F	Finance QA date 22 January 2025	
Consultation	Nil	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



ADDITIONAL ESTIMATES – FEB 2025

APSC Approach to flexible work

KEY MESSAGES

- The Commission's flexible working arrangements are considered on a **case-by-case basis**. Our **principles** are to assess whether the arrangement: **fits the needs of the Commission, teams and the employee; in a way that supports productivity, work-life balance and the Employee Value Proposition**.
- 2024 APSC employee census data highlights employees' satisfaction relating to their ability to access flexible working arrangements.
- **Our census results show we are getting the balance right between individual, team and entity needs.**
- As at **31 December 2024**, the Commission has a total of **235 approved flexible working arrangements** (working from home) in place. This represents **55 per cent of the workforce** (total headcount count 426 ongoing and non-ongoing employees, excludes casual employees).

Flexible work arrangements within the APSC

- The Commission's Enterprise Agreement contains the **common flexible working arrangements clause**, as negotiated as part of the APS bargaining process.
 - Most commonly this includes **combining working in the office with working away from the office**.
 - Flexible work is broader than working from home. It encompasses a broad range of arrangements and includes other flexibilities such as **part-time work, condensed working weeks, and alterations to working hours**—for example, to allow earlier or later start and finishing times, and to assist employees in maintaining an appropriate work/life balance.
 - Formal working from home arrangements can also be **referred to as either hybrid working arrangements or remote working arrangements**.

[PCU use only: Version 01]



- Commission employees have the **ability to request flexible working arrangements**.
 - Our census results highlight positive staff sentiment, with 95 per cent of staff confident that flexible working arrangements requests would be given reasonable consideration.
- We have **confidence in our managers to assess and make decisions in relation to their workforce, including flexible working**.
- Supervisors and their staff **review flexible working arrangements annually** to ensure they are effective and continue to meet the needs of Commission, including meeting business demands and commitments, while ensuring workloads are managed effectively.
- Flexible work has **increased access to larger talent pools**, by not limiting recruitment by geographic location. The Commission has 143 ongoing and non-ongoing employees (excluding casual employees) working outside of the ACT. Managers are required to manage resourcing with budget allocations.
- Enabling Services Branch maintains a record of approved flexible working agreements to support our workforce analytics.
- The Commission has seen **an increase in the number of formally recorded agreements** over the last six months. Some of these are for newly recruited staff, and some are for staff that have now formalised arrangements consistent with our policies.

Occupational Density and Leasing Costs

- Flexible working arrangements have resulted in a **reduction in utilisation of work points** across the Commission's tenancies. Utilisation varies from day to day and is influenced by the formal work from home agreements with staff.
- APSC works collaboratively across Government to **identify opportunities to collocate and utilise existing APS accommodation** effectively.
- Options are being identified and considered to consolidate space where possible and consider different ways of working.



- **Growth in the APSC workforce has not led to an increase in leasing costs.**
 - The Commission has **294** workpoints at the Treasury Building, **52** workpoints at MOAD and **18** at 580 George Street. **Total 364.**
 - We also have **8** workpoints at other Government tenancies.
 - Av cost \$15,000 per workpoint.
 - Staff allocations to workpoints are between 88-95% per site.
 - The Commission's **Occupational Density ranges from 11.4m² – 15.6m².**
 - MOAD has 15.6m² due to the training rooms.
 - **Occupational Density at all sites has improved in 2024** (between 1-6.4m²).
 - The **average cost per Commission workpoint per annum is \$5,479** compared to the national average of \$9,136. Total cost
 - The **campuses** offer 64 workpoints, are 46-87% allocated, and range from 8-18.4m²

FACTS AND FIGURES

APSC internal data

- A breakdown of the Commission's **employees with an approved flexible working arrangement** in place (working away from the office / working from home) is reported in the table below. The table identifies the variance in arrangements over the last six months.



Average # of day/s per week	@ 31 December 2024 235 of 426 (or 55 per cent)	@ 30 Sept 2024 214 of 400 (or 54 per cent)	Variance
1 day	35 staff (8 per cent)	30 staff (8 per cent)	5 staff members, per cent remains unchanged
2 days	83 staff (19 per cent)	77 staff (19 per cent)	6 staff members, per cent remains unchanged
3 days	50 staff (12 per cent)	43 staff (11 per cent)	7 staff member or 1 per cent increase
4 days	13 staff (3 per cent)	10 staff (3 per cent)	3 staff members, per cent remains unchanged
5 days	54 staff (13 per cent) 51 of these employees are geographically located across Australia and may work from home or in another government agency office.	54 staff (14 per cent) 45 of these employees are geographically located across Australia and may work from home or in another government agency office.	Total staff members remain unchanged change or 1 per cent decrease

- A formal request for a flexible working arrangement relates to a long-term, regular flexible working arrangement.
- As at 31 December 2024, **64 staff (or 15 per cent)** were **part-time**, and where they have flexible working arrangements (working from home) in place, these are included in the figures above.
- Some staff may have **informal (or ad hoc)** flexible working arrangements. Informal arrangements are not centrally captured.



- An ad-hoc request for flexible working arrangements refers to a request being made for one-off or short term arrangements for circumstances which are not ongoing.
- These arrangements are not expected to be registered centrally.

2024 APSC employee census data

- The 2024 Census results indicated 78 per cent of the Commission's staff currently access 'working away from the office/working from home' flexible working arrangements.
 - This rate is higher than the APSC internal data (54 per cent) as the Census questions captures all types of formal and informal arrangement of any duration. Whereas, the APSC internal data only includes formal, ongoing arrangements.

APS Employee Census Questions	2024 APSC	2024 APS
<i>Do you currently access any of the following flexible working arrangements?</i>		
I am confident that if I requested a flexible work arrangement, my request would be given reasonable consideration	95%	83%
Part time	16%	13%
Flexible hours of work	29%	26%
Compressed work week	13%	4%
Job sharing	1%	0%
None of the above	10%	24%
<i>Working away from the office/working from home</i>	2024 APSC	2024 APS
None of the time	22%	39%
All of the time	21%	6%
Some of the time as a regular arrangement	45%	47%
Only on an irregular basis	12%	9%



QUESTIONS AND ANSWERS

- What are some of the **benefits** of flexible working arrangements to the Commission?
 - **increased productivity** – flexible working arrangements can result in higher productivity levels as employees and business have the flexibility to schedule work to meet business needs that may differ from standard work hours, or work in environments where they can focus better
 - **improved employee retention** – offering flexible working options can enhance employee satisfaction and loyalty, reducing turnover rates and the associated costs of hiring and training new staff
 - **expanded talent pools** – flexible working arrangements can attract a wider range of candidates, including those who require flexibility due to personal circumstances, such as a caregiver or individuals with disabilities.

BACKGROUND

Consistent with outcomes of the APS Bargaining process, the Commission supports flexible work arrangements with a bias towards approving an employee's request. Approval is subject to balancing employee needs with team needs and the business requirements of the Commission.

Flexible working arrangements may be consistent and regular, such as part-time hours, compressed hours, varied attendance patterns within the 7am to 7pm bandwidth (or a varied bandwidth), job sharing and hybrid work arrangements.

Hybrid work covers work performed in a Commission tenancy with some time from home, or from another non-Commission workplace.



OTHER RELEVANT MATERIAL

None.

CLEARANCE SUMMARY

Samantha Montenegro Assistant Commissioner	Enabling Services	Clearance date 6/2/2025	Mobile Phone s 47F
s 47F	People Team	s 47F	
Finance team quality assurance	N/A	N/A	
Consultation	Enabling Services - Property		



ADDITIONAL ESTIMATES – FEB 2025

APSC Implementation of the Strategic Commissioning Framework

KEY MESSAGES

- Growing the capability of our workforce as part of our broader role in building APS capability is a priority for the Commission.
- In the 2024 APS Agency Survey response, the Commission identified its core work and confirmed that it does not currently outsource any of the APS-wide core work, that must be done in house, as defined in the APS Strategic Commissioning Framework.
- As reported in our 2024-28 Corporate Plan, across the balance of the Commission's core work, our target for 2024–25 is to reduce outsourcing in the APS job families of Service Delivery and Policy, with an expected reduction of \$635,500.
- The reduction will be secured through increased facilitation by APS employees of SES leadership programs and APS Craft offerings, as well as internal development of the Commission's governance documentation.

FACTS AND FIGURES

- The Commission is subject to the APS Strategic Commissioning Framework.
- Enabling Services consolidated Branch input and advised the Executive Board on the Commission's definition of APSC's Core Work, and targets which were reported in the 2024 APS Agency Survey.
- Enabling Services is progressively reviewing and updating key internal policies, including business planning, procurement and recruitment policies, to continue to embed the principles of the Framework into our decision making around sourcing and our operations.
- The Commission is currently on track to meet its 2024-25 target as published in its Corporate Plan 2024-28.
- The Commission is conscious of not outsourcing core work unless it is unavoidable, and ensuring we adhere to the limited circumstances in the Strategic Commissioning Framework.



QUESTIONS AND ANSWERS

Q: What is APS-wide core work?

- APS Wide Core Work under the Framework identifies work that must not be outsourced. Namely:
 - developing cabinet submissions, once they are in a Cabinet classified environment
 - drafting cabinet submission recommendations at any stage of policy development
 - drafting legislation and regulation
 - leading policy formulation
 - roles that are on an agency's executive team.
- Additionally, other core APS functions should be brought back in-house as a priority, noting arrangements may take time to adjust. These include:
 - undertaking procurement and managing contracts
 - undertaking standard cost benefit analysis- external site (excluding major capital, infrastructure, complex IT and secure assets such as defence)
 - managing programs and delivering grants.

Q: Does the Commission outsource APS-wide core work?

- No, the Commission does not outsource any functions that must be completed in house.

Q: How has the Commission implemented the Framework?

- The Framework was presented at an all staff meeting in October 2023 (coinciding with release) and circulated to SES staff in December 2023.
- Enabling Services captured data, and worked with all Branches to support them to define their core work in early 2024.
- A review of all active procurements was undertaken, and an assessment was completed to determine non-core work or core work which should be delivered by APS employees.
- Work was mapped against job families to evidence the type of capability needed to deliver core work.

Q: What does the Commission consider to be its core work?

- In addition to APS-wide core work the Commission has confirmed its core work within a diverse range of job families. These include
 - Policy,



- Accounting and Finance,
- Service Delivery,
- Legal and Parliamentary,
- Senior Executive,
- Data and Research,
- Portfolio Program and Project Management,
- Human Resources,
- Communications and Marketing,
- Monitoring and Audit and
- Compliance and Regulation.
- Specific examples of APSC core work include:
 - Coordinating and monitoring APS employment attraction and application campaigns
 - Design and develop APS-wide strategies, frameworks, initiatives, policies and guidance materials aligned with the Commission's statutory functions
 - Advise agencies on obligations under the Public Service Act, Public Service Regulations and Australian Public Service Commissioner's Directions.

Q: How does the APS Academy's use of external suppliers align with the Strategic Commissioning Framework?

- The APSC has defined its core work as at 30 June 2024.
- The APS Academy exists to lead transformation of APS capability with a particular focus on deepening APS Craft, working in partnership with APS agencies on whole-of-system learning priorities, and providing targeted learning delivery where appropriate.
- In limited circumstances, the APS Academy uses external providers as part of that work, primarily to supplement capability and capacity for direct delivery offerings.
 - The APS Academy uses a 'hybrid' model, where specialist external learning designers and facilitators supplement APS capability by providing contemporary learning design and specialist facilitation skills. They also provide independent advice and challenge current perspectives to contribute to individual and system-level change. In some circumstances, specialist facilitators also provide capacity to support demand for APS Academy services.
- The hybrid model for delivering learning and development is a common model in large private organisations (e.g. consulting firms), in other government jurisdictions



(e.g. all Australian jurisdictions and New Zealand) and in The Australia and New Zealand School of Government (ANZSOG).

Q: What are the APSC's targets for reducing outsourcing of APSC's core work?

- As reported in our 2024–28 Corporate Plan, our target for 2024–25 is to reduce outsourcing in the APS job families of Service Delivery and Policy, with an expected reduction of \$635,500.
- This is comprised of:
 - \$31,000 in outsourced service provider reductions for a staged increase in APS facilitation of APS Academy Craft offerings, such as leading hybrid teams and grammar and punctuation offerings
 - \$500,000 in outsourced service provider reductions for a staged increase in APS facilitation of SES leadership initiatives
 - \$104,500 in consultant reductions for development of the Commission's governance documentation.

Q: Is the Commission on track to meet its target for reducing outsourcing of APSC's core work?

- Yes. The Commission is on track to meet its targets for reducing outsourcing of the Commission's core work.

Q: How is the Commission on track to meet its target?

- The Commission has put in place a number of strategies to meet its target for reducing outsourcing of the Commission's core work. This includes:
 - the implementation of a hybrid delivery model which sees facilitation and design capability being brought in house through use of expert casual facilitators who work for the APS Academy
 - bringing external offerings to be delivered in-house that are provided through the APS Academy
 - developing internal APS capability to develop governance documentation.

Q: Will the Commission continue to use external resources?

- While our intent is to deepen internal capability and reduce outsourcing, consistent with the Framework there are circumstances where it is appropriate to use external resources to support delivery of our work, particularly where the work is non core, and where specialist or independent expertise, or additional short term capacity is required. In these instances, the Commonwealth Procurement Rules and Framework will be applied and consideration will be given to small business and First Nations businesses consistent with the rules and framework.



Q: Has the Commission engaged external labour hire and how is that consistent with the Strategic Commissioning Framework?

- As at 31 December 2024, the Commission has four labour hire contracts that have been engaged consistent with the Strategic Commissioning Framework.
- Three contractors are engaged supporting IT-related work that the Commission has determined is non-core work, and is appropriate to outsource.
- One contractor is engaged to support urgent and unavoidable work in capability uplift.
 - Every opportunity is taken to ensure that core work is not outsourced unless appropriate to do so.
 - This engagement is line with the limited circumstance that *‘there is a temporary need to backfill a vacancy to meet critical business needs, pending a recruitment process or while APS capability uplift is underway’*.

BACKGROUND

- The Framework requires entities to:
 - define their core work
 - set targets to reduce inappropriate outsourcing of core work
 - ensure core work is delivered by APS employees.
- The Framework acknowledges that entities may still need to outsource some elements of their work but should limit dependence on external providers for core work. Examples of reasons for outsourcing include a need for specialists, independence or to support a surge in demand.

OTHER RELEVANT MATERIAL

- FOI request (LEX1077) - Briefing pack prepared for the APS Commission for 2024-25 Budget Estimates hearings. Response submitted on 30 September 2024.



TIMELINE

Date	Action
October 2023	APSC launched the Strategic Commissioning Framework
November 2023 – June 2024	Internal consultation occurred, led by Enabling Services, to inform the Commission's definition of Core Work and set targets for reducing expenditure on currently outsourced Core Work
July 2024	APSC reported its Core Work and targets for reducing expenditure in 2024-25 on currently outsourced Core Work in its 2024 APS Agency Survey response
August 2024	APSC published its 2024-28 Corporate Plan, containing a target to reduce expenditure on currently outsourced Core Work in 2024-25 of \$635,500

CLEARANCE SUMMARY

Sam Montenegro	Assistant Commissioner Enabling Services	Clearance date 21/02/2025	s 47F
s 47F	Director Governance, Risk & Parliamentary	s 47F	
Finance team quality assurance	s 47F & s 47F	Finance QA date	
Consultation	Director Future of Work Taskforce s 47F Assistance Commissioner Craft & Learning Faye Liu	Is content sensitive? ¹	Yes

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.



PDR: SB25-000018
Lead: Sam Montenegro

	<p>Assistant Commissioner Leadership & Talent Development Kate Boxsell</p> <p>Director Information Technology & Procurement</p> <p>s 47F</p>		
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ADDITIONAL ESTIMATES – FEB 2025

APS Commission departmental resourcing

KEY MESSAGES

- Total departmental resourcing for 2024-25 as set out in the 2024-25 PM&C Portfolio Additional Estimates is \$96.7 million as follows:
 - \$67.2 million in 'operating appropriation funding'
 - \$28.5 million in cost recovery revenue
 - \$1.0 million in capital funding
- The average staffing level for the APSC for 2024-25 is 388. This excludes PWSS staff.

FACTS AND FIGURES

- At Budget the APSC had an ASL cap of 378, and after transfer of additional 9 unfunded and 1 funded ASL positions from PM&C, it is 388.
- The Commission budgets for a breakeven result in all budget years against the financial performance measure 'net cash operating surplus (deficit)'.

Portfolio Additional Estimates

- In the 2024-25 additional estimates the APSC received an additional \$3.595 million for 2024-25 in Appropriation Bill No.3 arising from:
 - a reclassification of capital funding to operating funding for the Workplace Metrics Modernisation Program for \$3.5 million in 2024-25 only; and
 - funding from PM&C for the transfer of the COO secretariat function to the APSC for \$0.095 million in 2024-25 (and \$0.439 million over the forward estimates).
- The APSC PAEs Chapter also sets out other changes to the APSC's appropriation as follows:
 - s 47C, s 34(3) [REDACTED]
 - Reduction in capital funding of \$3.5 million in 2024-25 only (aligned to the Workforce Metrics Modernisation Program reclassification);
 - Machinery of Government transfer to the Parliamentary Workplace Support Service for \$1.557 million in 2024-25 (and \$9.129 million over the forward estimates); and
 - indexation parameter changes in forward years.



New Measures

- The APSC received new budget measure funding in the 2024-25 Budget totalling \$5.5 million.
- The Commission received **\$4.8 million in 2024-25 only** to redevelop the APS Employee Database (APSED), now referred to as the Workplace Metrics Modernisation Program (WMMP).
 - APSED is a high-value whole of government data system that contains sensitive employment data on all public servants and facilitates critical statutory functions of the Minister for the Public Service and the Australian Public Service Commissioner, such as the State of the Service Report.
- The Commission received **\$0.7 million in 2024-25 only** under Round 2 of the Capability Reinvestment Fund to deliver projects to address systemic barriers to CALD employees when navigating APS workplaces and processes, develop an integrity data framework, and build safety and integrity capability across the APS.

Machinery of Government Changes

- The Commission is affected by a Machinery of Government change in 2024-25.
 - The new Parliamentary Workplace Support Service entity (PWSS) was established on 1 October 2023; however PWSS staff remained on the Commission's payroll and ICT network until 25 September 2024, when the PS Act section 72 transfer of staff occurred.
 - The full year funding for PWSS is approximately \$3.0 million per year, with 12 ASL. Based on costs incurred by the Commission up to 30 September 2024, \$1.557 million of unspent funding was transferred to PWSS in 2024-25 (and \$9.129 million over the forward estimates).

Ongoing Appropriations

- Departmental appropriations reduce back to ongoing baseline funding of between \$45 million to \$47 million over the forward years as temporary measures lapse, pending any future Budget decisions. Baseline funding is indexed each year and was reduced due to the PWSS MOG.
 - the ongoing annual funding level from 1 July 2025 drops to **\$45.4 million**.
- The departmental capital budget reduces back to ongoing baseline funding of \$0.4 million per year from 2026-27.
- **Total administered resourcing** to deliver Judicial Office Holders' remuneration and entitlements under the *Remuneration Tribunal Act 1973* (paid by the Attorney-General's Department) is **\$4.6 million in 2024-25**.



PDR: SB25-000019
Lead: Sam Montenegro

s 47E(d)

[illegible]



CLEARANCE SUMMARY

Sam Montenegro Assistant Commissioner	Enabling Services	Clearance date <Date>	<Mobile Phone>
s 47F	Enabling Services	s 47F	s 47F
Finance team quality assurance	s 47F	Finance QA date 24 February 2025	
Consultation	Nil	Is content sensitive? ¹	Yes

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

ESTIMATES BRIEF – Hot Issue**APSC Budget**

Additional Estimates – February 2025

APSC Budget**Subject/Issue**

In its PAEs Chapter, the APSC reports no changes in relation to its strategic direction, no new measures, or revisions to performance information since Budget.

In the 2024-25 additional estimates the APSC received an additional \$3.595 million for 2024-25 in *Appropriation Bill No.3* arising from:

- a reclassification of capital funding to operating funding for the Workplace Metrics Modernisation Program for \$3.5 million in 2024-25 only; and
- funding from PM&C for the transfer of the COO secretariat function to the APSC for \$0.095 million in 2024-25 (and \$0.439 million over the forward estimates).

The APSC PAEs Chapter also sets out other changes to the APSC's appropriations as follows:

- s 34(3), s 47C 
- reduction in capital funding of \$3.5 million in 2024-25 only (aligned to the Workforce Metrics Modernisation Program reclassification);
- Machinery of Government transfer to the Parliamentary Workplace Support Service for \$1.557 million in 2024-25 (and \$9.129 million over the forward estimates); and
- Indexation parameter changes in forward years.

Key points

- The 2024-25 APSC departmental resourcing as set-out in the 2024-25 PM&C Portfolio Additional Estimates is \$96.7 million as follows:
 - \$67.2 million in 'operating appropriation funding'
 - \$28.5 million in cost recovery revenue
 - \$1.0 million in 'capital' funding.
- The Average Staffing Level for the APSC for 2024-25 is 388. This excludes PWSS staff.

- At Budget the APSC had an ASL cap of 378, and after the transfer of an additional 9 unfunded and 1 funded ASL positions from PM&C it is 388.
- The Commission budgets for a breakeven result in all budget years against the financial performance measure 'net cash operating surplus (deficit)'.
- The APSC received new budget measure funding in the 2024-25 Budget:
 - \$4.8 million to redevelop the APS Employee Database (APSED); \$4.1 million as capital funding and \$0.7 million as operating funding and
 - \$0.7 million of operating funding for APS Capability Reinvestment Fund projects.
- The funding for both of these items is for 1 year only.

Supporting information**Questions on Notice**

- Nil.

Freedom of Information (FOI) Requests

- Nil.

Recent Ministerial Comments

- Nil.

Relevant Media Reporting

- Nil.

Date:	03/02/2025
Cleared by (SES):	Dr Rachel Bacon, Deputy Commissioner
Telephone No:	s 47F
Group/Branch:	Integrity, Reform and Enabling Services
Contact Officer:	s 47F
Telephone No:	s 47F
Consultation:	Nil.
PDR Number:	SB25-000037



ADDITIONAL ESTIMATES – FEB 2025

Staff wellbeing and APS as model employer

KEY MESSAGES

- The Australian Public Service is a model employer and prioritises integrity, professionalism and employee wellbeing.
- Consistent with the APS Values and Code of Conduct, all employees have a role in maintaining public trust and confidence in the integrity of the APS, including through their personal behaviour.
- They must also uphold the APS Employment Principles to ensure that their behaviour contributes to a workplace which is safe, rewarding, free from discrimination, and fosters diversity.
- The Commission's guidance for APS employees and agencies provides a practical risk management framework to help them understand and assess the risks of employees' personal behaviour-both in the workplace, and in their personal capacity where relevant-in line with expected standards of APS professionalism.

FACTS AND FIGURES

- On 3 October 2024 the APS Commissioner and the Secretary of the Department of the Prime Minister and Cabinet published an Open Message to all APS staff about respect, integrity and current world events.
- The Open Message noted that APS employees play a unique role in Australia, serving the Government, the Parliament and the Australian people, and because of this, expectations of their behaviour are appropriately high.
- As private citizens, public servants have a right to hold and express personal views on issues of social, cultural, or political significance to the community.
- In doing so, however, they must behave in a way that would not reasonably call into question their capacity to behave with integrity in their APS work, and must not disrupt workplace harmony, politicise the work environment, or cause harm to others.
- In relation to matters of high-profile public debate, such as the conflict in the Middle East and other global and national events and significant issues, APS employees must take care to ensure that their behaviour is consistent with the APS Values.
- In the workplace and in their private capacity, including on social media, APS employees must be mindful of their unique role, and that their conduct reflects on and may impact the integrity and good reputation of their agency and the APS.



- The Commission supports APS employees and agency heads to uphold the APS Values, Employment Principles and Code of Conduct, through published guidance and the provision of timely advice and assistance.
- On 14 February 2025 a joint message was sent to all New South Wales public servants from the Secretary of the NSW Premier's Department and the NSW Public Service Commissioner. The message reminded NSW public servants of their obligations to uphold the reputation of their department and the government sector as apolitical, impartial, and professional—including in a private capacity—and to demonstrate compassion, humility, and mutual support.

QUESTIONS AND ANSWERS

What is the Commission doing to combat antisemitism in the APS?

- Antisemitism is not tolerated in the APS. All APS employees and agency heads must uphold the APS Values at all times, including *Respectful—the APS respects all people, including their rights and their heritage*.
- The Open Message sent to all APS staff in October 2024 reflects the ever-complex range of national and global events affecting many APS employees, and their families. These themes are enduring and remain of critical importance.
- The Commissioner and Secretary released the Open Message to reinforce the commitment to the APS as a model employer, prioritising the wellbeing of our people, and as a timely reminder that demonstrating respect, empathy and inclusion is a hallmark of APS professionalism, and is evident in the vast majority of APS employees' conduct.
- The Open Message recognised that in a large and diverse workforce such as the APS there will be a range of views and opinions that may be held by staff on any of these issues, and that the expression of these views is a right that must be balanced with APS employment obligations, and with an understanding that our actions can affect both our colleagues and the public's perception of our ability to do our work with integrity.
- The Commission communicates with agencies, including senior leaders and HR areas, regularly through the year on integrity and employee wellbeing matters via a range of channels, including through Secretaries Board, the Chief Operating Officers' Committee and a number of professional networks and communities of practice.
- APS employees are encouraged to seek support if they need it, and to report any inappropriate behaviour they have experienced or witnessed.
- The Commission is unable to comment on specific matters.



What guidance has the Commission provided about employees' public and workplace political activity in relation to the Middle East conflict?

- Prior to the Open Message to all staff, on 31 May 2024 the Commission provided APS agencies, through the Chief Operating Officers' Committee Network, with information to assist them to remind APS employees of their obligations under the *Public Service Act 1999* to uphold the APS Values and Code of Conduct, and the need for them to be seen as trusted and impartial public servants.
 - This information aimed to support agencies in responding to the issue of the online petition criticising Australia's foreign policy position on the current Middle East conflict, which purported to be 'on behalf of public servants' and which appeared to have been signed by a number of APS employees.
- The Commission regularly draws agencies' attention to matters of upholding APS integrity and ensuring employee wellbeing and workplace harmony, both generally and during important national conversations, such as the Voice to Parliament Referendum.
- The Commission makes publicly available guidance for APS employees and agencies on appropriate behaviour both in the workplace and in a personal capacity, including online. The principles and considerations in this guidance are applicable to a broad range of circumstances, including in relation to issues of social or political significance in the community.
- This guidance aims to strike a reasonable balance between individual rights and professional obligations. The *APS Values and Code of Conduct in Practice* guide, and the *Social Media* guidance, collectively:
 - set out how the APS Values apply to workplace and personal behaviour, including online,
 - set expectations for employees and agencies regarding acceptable and unacceptable conduct, and
 - provide a practical risk management framework to help employees and agencies understand and assess the risks employee conduct might pose in the context of the Values and the APS Code of Conduct.
- The Commission also provides advice to APS employees and agencies through the Ethics Advisory Service on matters including employees' personal behaviour on social media and behavioural expectations in the workplace.

Can APS employees express themselves—at work and in their personal capacity outside work—in relation to current social and political issues, such as the Middle East conflict?

- Yes. Broadly speaking, APS employees have the right to express personal opinions in the workplace, and outside the workplace in their personal capacity, including on social media.



- However, this right must be balanced with the obligations of APS employment, set out in the APS Values, Employment Principles and Code of Conduct.
- Within the workplace, APS employees may express personal views on social or political issues to the extent that doing so would not disrupt workplace harmony or productivity; and in a way that is consistent with the APS Values, Employment Principles, and Code of Conduct.
- The statutory obligations of the Values, Employment Principles, and Code require employees to, among other things, treat everyone with respect and courtesy, and without harassment; treat all people with dignity and recognise that all people have value; and contribute to an inclusive workplace culture.
- Both the *APS Values and Code in Practice Guide*, and the *Social Media* guidance, provide a risk assessment framework for employees and agencies to consider the risks to public confidence posed by particular public behaviours, having regard to at least the following three risk factors:
 - Seniority
 - Connection between topic and employee's work
 - Nature or extremity of expression
- This does not mean that APS employees must always be positive, polite, or even neutral online—the range of acceptable expression is broad. The question is whether a reasonable member of the community would conclude on the basis of the conduct that the employee could not be trusted to work impartially, respectfully, or with integrity in the APS.
- Whether or not an APS employee's behaviour outside work, including participation in political activities or use of social media, is appropriate in the context of their APS role can be complex and will depend on the particular circumstances of each case.

Does the APS's policy position go too far and curtail employees' human rights?

- Broadly speaking, APS employees have the right to express personal opinions in the workplace, and outside the workplace in their personal capacity, including on social media.
- However, this right must be balanced with the obligations of APS employment, set out in the APS Values, Employment Principles and Code of Conduct.
- In the *Comcare v Banerji* decision, the High Court confirmed that the requirement in the Code of Conduct for APS employees to behave at all times in a way that upholds the APS Values does not impinge on the implied freedom of political communication in the Constitution.



- The Court held that while the Code of Conduct provisions in the *Public Service Act 1999* restrict political communication, they do so for a legitimate purpose—namely, the maintenance and protection of an apolitical public service that is skilled and efficient in serving the national interest.

Can employees wear or display material in the workplace that relates to issues of social or political significance?

- This will depend on all the circumstances, including the nature of the material and factors such as the employee's role or seniority.
- It is important however to ensure that all employees feel safe to express their cultural identity at work, including through cultural dress.
- APS workplaces must not be politicised, but they must also be safe, respectful, rewarding, and inclusive for all employees. These requirements need to be considered with particular care, sensitivity, and balance at times when issues of social or political significance are affecting the Australian community.
- Agencies and managers are regularly encouraged to prioritise and actively support the wellbeing of staff affected by these challenging events and issues, and address inappropriate workplace behaviours in a timely, considered and proportionate way, to ensure workplace harmony.

How many employees have been found to have breached the APS Code of Conduct in relation to social media, political activities or other conduct related to the Middle East conflict, including the recent online petition?

- The Commission does not collect information about Code of Conduct investigations or breaches about individual non-SES employees.
- Each year the APSC publishes in the State of the Service Report the number of employees investigated and found in breach of the 13 elements of the APS Code of Conduct, based on aggregate data collected annually in the APS agency survey. This includes the outcomes of the investigations and the sanction imposed for breaches. The State of the Service Report is tabled in Parliament at the end of November each year.
- Agency Heads are responsible and have authority for assessing individual circumstances and taking appropriate action where employee behaviour does not meet expected professional standards. This may range from reminding employees about their responsibilities as public servants, through to taking formal action in accordance with the APS Code of Conduct.
- The Commission's guidance makes clear that agency responses to employees' online behaviour should be proportionate to the risk the behaviour poses to public confidence in the APS, and emphasises the importance of awareness, education and discussion at the local level in assessing risks and making sound decisions.



BACKGROUND

Joint message to NSW public servants

On 14 February 2025 a joint message was sent to all New South Wales public servants from the Secretary of the NSW Premier's Department and the NSW Public Service Commissioner.

The message reminded NSW public servants of their obligations to uphold the reputation of their department and the government sector as apolitical, impartial, and professional, including in a private capacity in public forums, on social media, or when engaging in political or social issues.

The message follows the release of a video showing two NSW Health nurses appearing to make threats against Israeli patients on a chat room website.

Online Petition on Gaza

In May 2024 an open letter and web-based petition was published from over 2,000 federal, state and local government public servants to the Prime Minister referring to Australia's foreign policy position on the current Middle East conflict.

On 24 June 2024, Senator the Hon Jane Hume, Shadow Minister for the Public Service, wrote to the APS Commissioner seeking advice as to the Commission's position on this petition and the actions taken by the Commissioner to reinforce the importance of impartiality in the APS.

On 3 July 2024, the Commissioner responded to Senator Hume to advise of the Commission's position, available guidance, and the actions the Commission has undertaken in respect of this matter. The response noted that APS employees' rights as members of the community to express their personal views on issues of social, cultural, or political significance must be balanced with the obligations of APS employment; and that assessing whether an individuals' participation in political activities or use of social media is appropriate, can be complex and will depend on the circumstances of each case. The response enclosed a copy of the information provided by the Commission to APS agencies through the Chief Operating Officers' Committee Network on 31 May 2024.

Higher-risk activities on social media

The Commission's Social Media guidance notes that some online activities pose a higher-risk than others. The following examples are illustrative of the spectrum of behaviours by APS employees that have been identified in the media and by parliamentarians.

Creating or sharing a petition that is highly critical of the Government, Prime Minister, Ministers, or the APS generally poses a higher risk, as does signing a petition in protest of the employee's own agency, policy area, or Minister. Signing a petition about a significant but more general cause or issue, or unrelated to one's own agency may present a lower risk, but may need to be assessed having regard to other risk factors.

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Criticising or praising the employee's agency, the Government, Opposition, or other parties or a Minister or Member of Parliament in high-profile forums such as in the comment sections of media articles or on public social media platforms such as Reddit and Twitter/X may also pose a higher risk. This will need to be considered in the context of other risk factors, noting that extreme pro-Government posts raise the same concerns as those that are extremely anti-Government: both can call into question an employee's capacity to be impartial, and damage public confidence.

Comments about other jurisdictions' or countries governments or leaders are less likely to pose a risk, but this will depend on a range of factors, including the nature and expression of their comments, seniority and the relationship to their own work or role.

Posting anonymously or using pseudonyms or disclaimers mitigates but does not eliminate risk, although the risk is greater if an employee expressly identifies themselves as an employee of the APS or their agency, or they are reasonably identifiable as an APS employee from the content of their posts. Once identified as an APS employee, their behaviour can affect public confidence regardless of their intention to keep their posts and their employment separate.

'Liking' someone else's post carries similar risks to posting the material personally. This is because the employee might reasonably be perceived to endorse the content, whether or not this is their intention.

Following someone on social media, or adding them as a 'friend' or connection, is a low-risk activity in itself. It is reasonable, for example, to follow Members of Parliament across the political spectrum in the interests of staying well-informed or because an employee supports their particular party, or to be Facebook friends with someone the employee knows personally and who expresses strong political opinions online.

In the *Comcare v Banerji* decision, the High Court confirmed that the requirement in the Code of Conduct for APS employees to behave at all times in a way that upholds the APS Values does not impinge on the implied freedom of political communication in the Constitution.

The Court held that while the Code of Conduct provisions in the *Public Service Act 1999* restrict political communication, they do so for a legitimate purpose—namely, the maintenance and protection of an apolitical public service that is skilled and efficient in serving the national interest.



MEDIA

NSW Health

12.02.2025, The Sydney Morning Herald, Jessica McSweeney, Matthew Knott, Amber Schultz, Riley Walter and Kate Aubusson, '[Detectives seize CCTV, interview hospital staff after nurses stood down over antisemitic video](#)'

This article relates to the conduct of two NSW Health nurses, who appeared to make threats against Israeli patients on a chat room website. The article also mentions an investigation to be launched into the publication of a New Bankstown Hospital newsletter featuring 'political messaging' that could 'undermine public confidence'; and complaints made about health practitioners' 'inappropriate use of social media related to the Gaza conflict'.

Online petition on Gaza

09.10.2024, The Canberra Times, Miriam Webber, '[Censorship concerns for Australian public servants over conflict](#)'

This article relates to criticism of both the Open Message of 3 October 2024, and of APS-wide policy on public servants' expression of personal views. The article mentions the online petition referred to above.

31.05.2024 – *The Guardian*, Mostafa Rachwani – '[Australian public servants call on government to 'cease supplying all military parts and weapons to Israel'](#)'

This article relates to the Open Message.

Australian Human Rights Commission employee

26.10.2024, *The Sydney Morning Herald*, Natassia Chrysanthos – '[How the Human Rights Commission went to war with itself](#)'

The Australian Human Rights Commission has been under siege from within and without as it struggles to take a neutral stance on the conflict in Gaza.

21.08.2024, *The Guardian*, Josh Taylor – '[Letter excerpts read in Senate accuse Australian Human Rights Commission of mistreating staff who support Palestine](#)'

This article relates to claims by a former employee of the Australian Human Rights Commission that she was discriminated against in her employment for her personal views and public commentary on the conflict in Gaza.

05.05.2024, *The Daily Telegraph*, James Campbell – '[How can it be unbiased?](#)'

Jewish leaders are concerned about online comments made by an employee of the Australian Human Rights Commission. AHRC has stated that they are aware of the issue.



13.03.2024, *The Guardian*, Josh Taylor – ‘[Julian Leaser accuses Australian Human Rights Commission of failing to address antisemitism](#)’.

Liberal MP Julian Leaser has criticised staff of the Australian Human Rights Commission who anonymously argued that the AHRC’s response to “Israeli war crimes” had been inadequate.

14.02.24, *The Guardian*, Josh Taylor – ‘[Australian Human Rights Commission chief denies staff sanctioned for expressing pro-Palestinian views](#)’.

The president of the Australian Human Rights Commission has denied that staff have been sanctioned over expressing pro-Palestinian views, after staff wrote a letter stating the commission’s response on the Israel-Gaza war was inadequate.

08.02.2024, *The Guardian*, Josh Taylor – ‘[Australian Human Rights Commission staff say organisation’s position on Israel-Gaza war is inadequate](#)’.

At least 24 of the 122 staff employed by the Australian Human Rights Commission wrote to the president, Rosalind Croucher to express “frustration at the commission’s failure to fulfil its mandate as an accredited national human rights institution in regard to Israeli war crimes and crimes against humanity perpetrated against Palestinians in Gaza and the West Bank”.

CLEARANCE SUMMARY

Kylie Barber Assistant Commissioner	Integrity, Performance & Employment Policy	Clearance date 18 February 2025	s 47F
s 47F	s 47F	s 47F	
Finance team quality assurance	N/A	Finance QA date	N/A
Consultation	NIL	Is content sensitive? ¹	No

¹ This field is included to assist initial triage for use of the information after Estimates e.g. internal communication, FOI request.

ESTIMATES BRIEF – Hot Issue**APS Values and MOP(S)**

Additional Estimates – Feb 2025

APS Values and MoP(S) Act employees**Subject/Issue**

The Australian Public Service Commission, in consultation with the Department of the Prime Minister and Cabinet, the Department of Finance, and key stakeholders in the APS, has recently provided new directions and will issue guidance about the behavioural codes, standards and disciplinary frameworks which apply to APS employees working in parliamentary workplaces.

Key facts and figures

- The *Australian Public Service Commissioner's Directions 2022* provide a mechanism to facilitate the mobility of APS employees to take leave without pay (LWOP) and be separately employed under the *Members of Parliament (Staff) Act 1984* to work in ministerial and other parliamentarians' offices.
- The Directions have been amended to provide that the *Impartial* and *Committed to Service* APS Values do not apply to APS employees who are on leave without pay and employed under the MOP(S) Act, for the duration of that engagement.
- The *Australian Public Service Commissioner (2025 Measures No. 1) Directions 2025* commenced on 21 February 2025.
- All other APS Values must still be upheld and are enforceable through the APS Code. These expectations are consistent with integrity behaviour expectations of all public sector officials, including in the parliamentary workplace.
- As well, from 20 February 2025, all APS employees working for a parliamentarian must take LWOP from the APS and be engaged under the MOP(S) Act to do so, with the exception of Departmental Liaison Officers. APS employees may not be 'loaned' or 'seconded' to parliamentarians' offices.
- The *MOP(S) Act (Employment Arrangements) Determination 2025* specifies that the minimum period of engagement for an APS employee on LWOP to take up MOP(S) Act employment is four weeks. For periods of less than four weeks, a parliamentarian will need to use an existing MOP(S) Act employee to fill the vacancy as a temporary transfer.
- Departmental Liaison Officers must comply with all elements of the APS Code and all APS Values as they perform their roles as APS employees.

APS Values and MOP(S)

- All MOP(S) Act employees must perform their duties in accordance with their obligations under the MOP(S) Act framework.

Key points

- The Directions amendments ensure clarity for both the APS employees taking up separate employment under the MOP(S) Act to perform these roles and for their employers in directing their duties and tasks, and aligns with public expectations in regards to the broader integrity obligations of all public officials.
- These changes ensure mobility and trusted relationships between the APS, the Government and the Parliament, set expectations that are reasonable and realistic and maintain confidence in the integrity of the public sector.

Supporting Guidance

- In support of the Directions amendment, the Commission will provide guidance to APS employees who work for a parliamentarian under the MOP(S) Act, and their home agencies, about the behavioural codes, standards and disciplinary frameworks which apply to them in those roles.
- The Department of the Prime Minister and Cabinet, the Department of Finance and the Commission are also working closely to develop a suite of materials to communicate with stakeholders both the changes to the Directions and the new MOP(S) Act determinations.
- Relevant circulars and other messaging will be provided to parliamentarians and their staff, Secretaries Board and Chief Operating Officers Committee, as soon as possible.

Background

The question of whether the APS Code of Conduct, and the APS Values through s13(11), applies to APS employees working as advisers in Ministers' offices, and how the Behavioural Codes might interact with residual APS Code obligations, has previously been raised with the Commission at Senate Estimates.

Specifically, Senator Linda Reynolds (LP) has previously asked the Commission:

- whether the APS Code of Conduct, and the APS Values through s13(11) of the Code, applies to APS employees working as advisers in Ministers' offices (SQ22-000023)
- how agencies undertake Code investigations in respect of APS employees in relation to alleged misconduct on their return from Minister's offices (SQ22-000024) and
- how the new Parliamentary Behaviour Codes might interact with residual APS Code obligations (SQ23-000004).

In response to Senator Reynolds's questions, the Commission initially engaged with Finance on proposed guidance material to help clarify APS employees' obligations in these circumstances.

Feedback from Finance and the PWSS on an early draft developed in 2023 indicated that the issues are highly complex and required further policy consideration.

Progress on the guidance was then paused while the legislation for the Independent Parliamentary Standards Commission was developed by PM&C and its jurisdiction and information sharing powers were settled.

The amendments to the Directions and guidance have been finalised as efficiently as possible following the establishment of the Independent Parliamentary Standards Commission on 1 October 2024.

Supporting information

Questions on Notice

- SQ23-000004, Supplementary Budget Estimates 2022-23. Response tabled 30 March 2023. Relates to the guidance that may need to be provided to APS employees granted leave to undertake roles as Ministerial advisers about which behavioural standards would apply to conduct during the performance of those roles.
- SQ22-000023 and SQ22-000024 Budget Estimates 2021-22. Responses provided 15 December 2022. These questions sought an explanation and assurance of the procedures, including procedural fairness measures, applied by agencies during APS Code of Conduct investigations and decision-making processes. Asked in the context of the potential application of the APS Code of Conduct to APS employees on their return to home agencies from roles as Ministers' advisers.

Freedom of Information (FOI) Requests

- No FOIs asked.

Recent Ministerial Comments

- Nil.

Relevant Media Reporting

- [Handshakes mark parliamentary standards commission laws](#), Tom Ravlic, The Mandarin, 17 September 2024.
- [Labor accused of watering down parliamentary watchdog so it 'doesn't pass the pub test'](#), Sarah Basford Canales, The Guardian, 10 September 24.
- [Law looms to subject parliamentarians, MOPS to behaviour codes](#), Melissa Coade, The Mandarin, 21 August 2024,

Date Cleared: 21/02/2025
Cleared by (SES): Dr Rachel Bacon
Telephone No: s 47F
Group/Branch: Integrity, Performance and Employment Policy
Contact Officer: s 47F
Telephone No: s 47F
Consultation: Department of the Prime Minister and Cabinet; Department of Finance
PDR Number: SB25-000049