



Additional questions about MPC own motion audits

If you have other questions to add please contact us and let us know. We will be adding new questions as we transition to the new way of doing things.

Own motion audit of a selection process

Time frames

When does the new audit model start

The MPC will be able to conduct an own motion audit on an eligible APS selection exercise from 1 April 2025, which is when the new Regulations commence.

It only applies to selection processes arising from a vacancy advertised in the Public Service Gazette on or after 1 April 2025.

If a merit pool was created from a selection process that was advertised prior to 1 April 2025, it will not be eligible for an own motion audit. To be considered for an audit, a selection process must be advertised on or after 1 April 2025.

What is an own motion audit

What does 'own motion' mean?

An own motion power means the MPC can decide to conduct an audit into a selection exercise without the need for a complaint or an application for review.

The MPC will be able to conduct an audit review into a selection process at any stage of the selection process, including prior to a final selection decision being made.

It is a discretionary power and designed to provide greater visibility of Agency compliance with the merit principle. It will provide opportunities to educate and uplift recruitment capability and outcomes across the APS.

How will the MPC decide to initiate an audit?

The MPC will develop criteria to identify which selection processes it will select for an audit. The types of information and factors that may cause an MPC own motion audit will be published by April 2025.

What will an audit look at?

The audit process will be an objective and independent review of an entire selection process to determine compliance with the merit principle and the APS Commissioner's Directions.

Process of conducting an audit

Does an audit review put a hold on a promotion decision?

No. A notice of an MPC audit review will not require an Agency to place a hold or stay on a promotion decision. The purpose of audit reviews is to strengthen recruitment practices across the APS.

Can I still use a merit pool or list if the selection process is being audited?

Yes, a merit pool or list can continue to be used while an audit is underway.

Once the audit is finalised, it will depend on the MPC's findings and recommendations as to whether the merit pool or merit list can continue to be used.

Who will conduct an own motion review

The MPC will nominate a reviewer who has the necessary skills and personal qualities to perform their duties independently and impartially. A reviewer will be an APS employee with the skills and experience to perform the role.

What information will an audit look at?

The MPC audit reviewer will only review information that is relevant to whether the selection process was merit based and meets the requirements of the APS Commissioners Directions.

The MPC audit reviewer will only consider information that was available to the selection committee and decision maker (or was known to the Agency but not given to the decision maker). The new Regulations will prevent the MPC audit reviewer from considering fresh information, as it is not relevant to the review of the selection process.

An MPC audit reviewer must make one or more findings and recommendations to the MPC. The MPC must consider all the views of the reviewer before making a final decision.

How long will an audit review take?

Guidelines on the time frames for completing a review will be published on the MPC website closer to the commencement date of 1 April 2025. It is a requirement of the new Regulations for the MPC to publish guidance on how long an audit review will take.

How many times can a selection process be reviewed?

Once. The Regulations do not allow for numerous applications about the same selection process as this would be an ineffective use of MPC and Agency resources. The only exception to this rule is if an Agency continues to use a merit pool or merit list after the MPC has found a selection process has not been merit-based.

What is the role of the Agency

What will an Agency do in response to a notice of an audit?

An Agency will receive written notice from the MPC that an audit is underway. The Agency must provide the MPC with all the information and documents relating to the selection process.

That information must be supplied to the MPC in the manner and within the time required by the notice.

Remember, an Agency is not required to place a stay on a promotion decision and can continue to use any merit pool or merit list.

What type of information will be required?

An MPC reviewer will need to review all the documents and information that an Agency holds and creates that relate to the selection process. This includes the planning documentation, policies, the role description, details of the selection panel and assessment tasks, appropriate delegation documentation and the selection report.

The MPC will provide a check list to assist Agencies to fully comply with the notice.

Does the Agency get a chance to respond?

Before making a finding or recommendation that will be adverse to the Agency, the MPC reviewer must provide a written summary of their concerns to the Agency Head.

An Agency Head will have more than 14 days to submit a response to the MPC reviewer's concerns. The submission provided by the Agency Head must be taken into consideration by the MPC when making its final decision.

Audit outcomes

What happens at the conclusion of an audit?

A written report must be prepared by the MPC with a finding on whether the selection process under review was merit-based and in accordance with the Commissioner's Directions requirements and any recommendation it sees fit.

What does an Agency Head need to do?

The Agency Head has the responsibility for implementing the recommendation and any process improvements suggested by the MPC.

What findings and recommendations can the MPC make?

If the selection process has met the requirements of the merit principle and the Commissioner's Directions, the report will be provided to Agency Head with observations on the selection process. No further action needs to be taken.

If the selection process is not compliant, however the MPC finds that the outcome would not have been materially different - the report will make recommendations for improvement. This will include how to avoid a reoccurrence of the non-compliance.

If the non-compliance is serious and was material to the outcome, the MPC must recommend the selection process should not be used to fill a vacancy (other than a vacancy that has already been filled). Any merit pool or list should not be used on or after the day the report is given to the Agency Head.

Response to own motion audit recommendations

Does an Agency Head have to accept an MPC recommendation

An Agency Head is responsible for making sure the MPC recommendations are followed, and any process improvements are made.

If an Agency Head does not accept a recommendation they must provide the MPC with reasons why.

An Agency Head must notify the MPC of what action they propose to take, within 14 days from the date they were informed about the outcome.

What if an Agency Head does not agree with its recommendation?

If an Agency Head does not agree with an audit recommendation the MPC must notify the APS Commissioner that it was not accepted and provide the reasons given by the Agency Head for not accepting the recommendation.

MPC reporting requirements

The MPC must provide a written report to the APS Commissioner at least twice per financial year on the number of reviews completed and a summary of the outcomes of the completed own motion audit reviews.

The MPC may publish findings or recommendations from its audit activities in its annual report or on its website.