

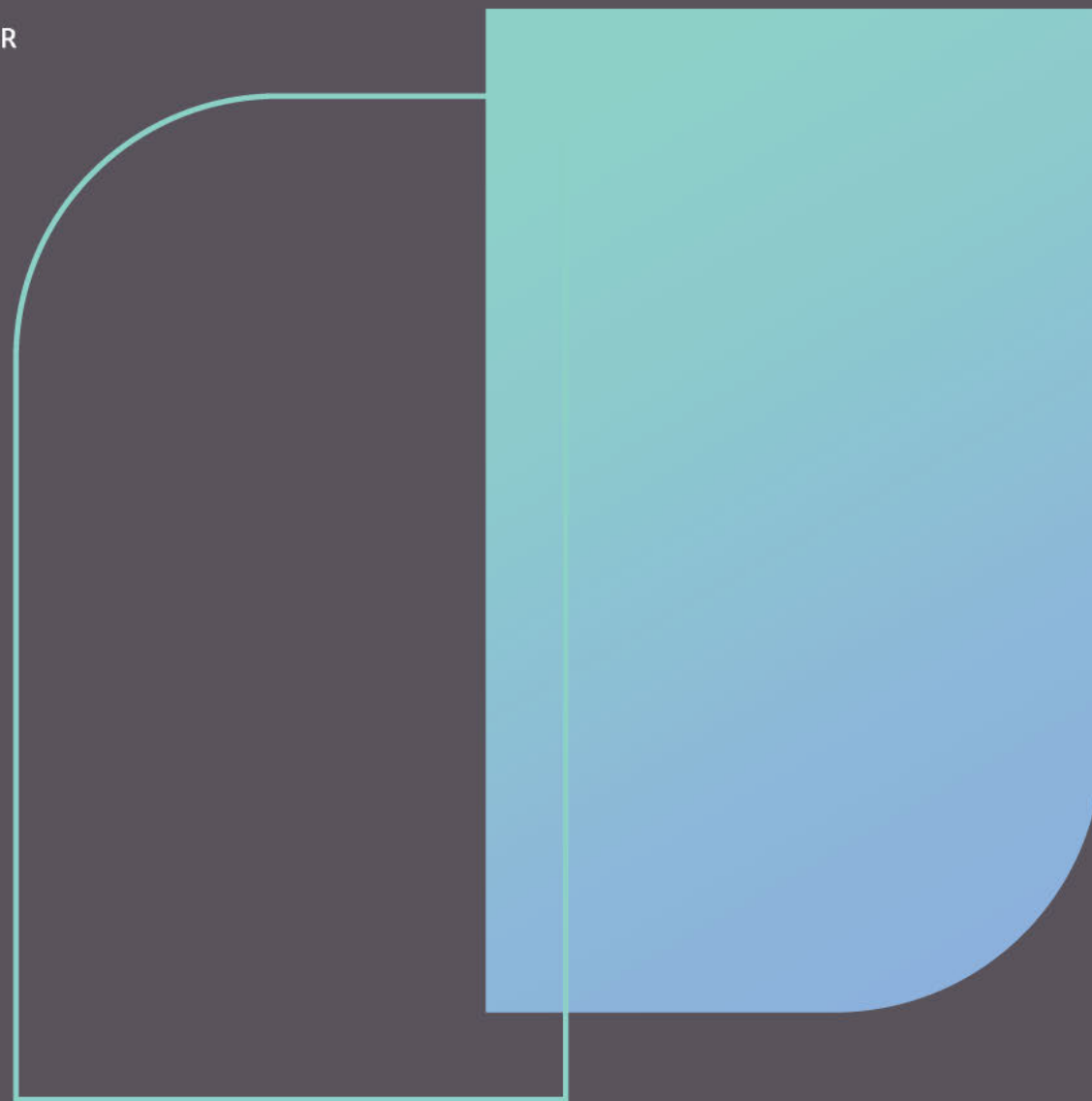


Australian Government
Merit Protection Commissioner



MERIT
PROTECTION
COMMISSIONER

Introducing a new way to seek a review of a promotion



Acknowledgement of country

The Merit Protection Commissioner acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.



What we will talk about today



- What are the changes and when can I apply?
- The key things to know
- What a review will look like (under the new model)
- Own motion reviews

What and when does it change



Public Service Regulations	Important date
MPC can assess the merits of the entire selection process (not just comparing the merits of individuals who apply for a review)	Vacancies advertised after 1 April 2025
MPC given own motion powers to conduct audits of agency selection processes	Vacancies advertised after 1 April 2025

Challenges with the existing model



- No longer fit for purpose
- Adversarial
- Resource intensive
- Did not support improvements or innovation

Benefits of the change



- Strengthen understanding of merit in public sector recruitment
- Build transparency into selection and recruitment process
- Less cumbersome process
- Take action where there is evidence of non-compliance with merit.

Quick overview of the rules and regulations



- Under the Public Service Actions, decisions may be 'reviewed' and the Public Service Regulations say promotion decisions may be 'reviewed' by the MPC
- This type of review by the MPC will check if an agency has followed the rules of merit-based recruitment
- Merit is defined in the Public Service Act and explained further in the APS Commissioner's Directions

'Merit principle' in APS recruitment



- eligible members of the public are given a reasonable opportunity to apply to perform the relevant duties; and
- an assessment is made of the relative suitability of the candidates, using a competitive selection process; and
- the assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required to perform the relevant duties; and
- the assessment focuses on the relative capacity of the candidates to achieve outcomes related to the relevant duties; and
- the assessment is the primary consideration in making the employment decision

Commissioner's Directions on merit



- the aim and purpose of the selection process is determined in advance
- information about the selection process is readily available to candidates
- the selection process is applied fairly in relation to each eligible candidate and
- the selection process is appropriately documented.

Who can apply for a review?



- An ongoing APS employee
- Who has applied for a promotion
- To a role at levels APS 2 - 6 (not EL1 or 2)
- Who believes the process was not based on merit
- Can provide a reason in writing

How to apply for a review?



- Complete an application through the MPC website
- Apply within 14 days from date of the promotion notice in the APS gazette
- Provide information on why the process was not based on merit

Steps of a review by the MPC



Assessment of the application

- Check if the applicant is eligible to apply
- Decide if
 - a review is justified or
 - Whether the recruitment exercise has been reviewed before
- Advise applicant on outcome of assessment

Note: A review has no impact on promotion decisions that have already taken affect

Steps of a review by the MPC



Review is conducted

- MPC appoints a staff member to assist with the review
- Reviewer looks at all the documentation from the recruitment exercise
- Check if the recruitment followed the rules of merit in APS recruitment
- Write a report with reasons for the decision and suggestions for improvement

Steps of a review by the MPC



What is the reviewer looking for?

- The panel is qualified and suitable
- Applicants treated the same
- Conflict of interests are reported and managed
- The assessment tasks are fair and relevant to the role
- Selection report provides clear evidence-based reasons
- Delegate has the authority to make the decision

Possible outcome of a review



Recruitment exercise is merit-based	<ul style="list-style-type: none">• Agency informed the promotion can proceed and the merit pool / list can continue to be used.
Recruitment exercise does not meet all requirements, but the problem did not impact the promotion decision	<ul style="list-style-type: none">• Agency informed the promotion can proceed and the merit pool / list can continue to be used.• MPC provides suggestions for improvement to the Agency.
Recruitment exercise does not meet all the requirements, and the problem did impact the promotion decision	<ul style="list-style-type: none">• Agency told the promotion cannot proceed.• MPC recommends merit pool or list is not to be used or create a new pool or list.

Procedural elements



- Agency Head is obliged to respond to review outcomes
- MPC informs the applicant of outcome
- MPC provides a report to the Australian Public Service Commissioner

Own motion audits by the MPC



Power to decide to conduct an audit into a selection exercise

- Without the need for a complaint or application
- At any stage of a selection process, completed or not completed
- Discretionary power designed to provide visibility of compliance across sector
- Opportunity for suggestions for improvement
- Report publicly on outcomes

Key takeaways



Applies to vacancies advertised from **1 April 2025**

MPC can review the entire selection process

Determine whether the process is merit based or not

Guidance on timeframes for a review is on our website

More details at www.mpc.gov.au

Thank you Questions?

Contact us



Visit our website
mpc.gov.au



Call our enquiry line
(02) 8239 5330



Send us an email
review@mpc.gov.au