Australian Government
Merit Protection Commissioner

MPC
MERIT
PROTECTION
COMMISSIONER

Annual Report
2025–26



Australian Government
Merit Protection Commissioner

MERIT PROTECTION COMMISSIONER

Senator the Hon Katy Gallagher
Minister for Women
Minister for Government Services
Minister for Finance
Minister for the Public Service
Parliament House
Canberra ACT 2600

Dear Minister

As the Acting Merit Protection Commissioner, I am pleased to present you with the annual report for the reporting period ending 30 June 2026 for presentation to the parliament in accordance with section 51 of the *Public Service Act 1999*.

In line with my statutory obligations and the independent operation of this office, this report details the activities of the MPC during the year.

I am satisfied that the disclosure of information contained in this report is consistent with section 72B of the *Public Service Act 1999*, as the disclosure is in the public interest, is not likely to interfere with a review or inquiry and does not disclose the name of an individual that has been the subject of review or inquiry by me or my office. The purpose of the disclosure is to support the effective reporting of my functions in accordance with section 51 of the *Public Service Act 1999*.

In preparing this report, I have considered the annual report guidance approved by the Joint Committee of Public Accounts and Audit.

Yours sincerely



Mark Davidson

Acting Merit Protection Commissioner

9 October 2026

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Merit Protection Commissioner's foreword

As the Merit Protection Commissioner (MPC) it is my task to champion the APS integrity framework and promote the value of a fair and effective system of review for employees, employers - and ultimately the Australian public. Fair, transparent and accountable employment decisions are a hallmark of a healthy workplace culture. They also help strengthen trust in public institutions and reduce the likelihood of integrity and corruptions risks arising within agencies and departments.

The APS has a clear conduct framework. It sets expectations for employee behaviour and outlines the consequences of engaging in misconduct. How an agency responds to conduct matters can be a demonstration of its commitment to integrity. Conversely, poor management of conduct, behaviour and performance issues can undermine or erode confidence in the agency's ability to make fair, transparent and defensible decisions.

It is therefore significant that in almost 40% of Code of Conduct decisions reviewed this year we identified issues that required the original decision to be set aside or varied. This percentage has been a consistent trend over several years and continues to highlight a significant capability gap in the management of misconduct and the application of the Code of Conduct. Further analysis of these results, including case studies, is provided in Part 2 of my report.

Often, the issues we identify through reviews are recurring, and avoidable, errors. While our primary role is to ensure the correct or preferable decision is made, we also have an educative and stewardship role. We recognise that our contribution to the conduct framework extends beyond individual cases.

The issues identified through our reviews present us with opportunities to share lessons and promote better practice, improve capability, policies and processes.

We do this through our outreach, and professional engagement events such as our Review of Actions and Code of Conduct Community practice. The Community of Practice continues to attract new members with participation increasing year on year. Attendance at our quarterly meetings regularly reaches 180 attendees. In my view, this level of engagement with our educative sessions shows a genuine commitment to better practice.

We know that our guidance materials are welcome and well utilised resources. In March this year, I published *the MPC Guidance for APS agencies on building an effective system of review*. The guide outlines the principles, policies and practices that underpin a mature review framework, including promoting awareness of review rights, supporting reviewer capability, ensuring procedural fairness, and using review outcomes to drive continuous improvement. Importantly, it encourages agencies to view reviews not simply as a mechanism for correcting decisions, but as a valuable tool for strengthening accountability, integrity and organisational capability.

This year, we also navigated a period of change. This was due to an unprecedented rise in the number of applications for review of Code matters against a backdrop of budgetary pressures and staff movement. The steady rise in applications for review of Code of Conduct decisions has changed the profile and nature of our workload – making up nearly 70% of our

work. Code of Conduct matters are frequently complex, sensitive and resource intensive, and will continue to shape how we allocate resources.

In response to this changing work profile, we realigned the office structure by creating a team dedicated to the triage and assessment of applications. The process of determining eligibility can be complicated and requires a specialised skill set. Having a dedicated team has improved our efficiency and timeliness. In combination with a new case management system expected to be in place in the next financial year, I believe we are well positioned for the increase in demand for our services.

A successful Review of Actions scheme is where there are consistent and fair outcomes for staff and where primary reviews identify genuine errors when they occur. A mature scheme will identify operational and policy improvements arising from review findings and recommendations.

This is how the new promotion review and own motion audit function is becoming an invaluable tool. Both functions allow me to take a more strategic approach to how I exercise my powers and gives me sector wide oversight of merit-based recruitment. These reviews enable me to detect early warning signs and address poor practices. In the period 1 April 2025 when the new function took effect and 30 June 2026, we produced eight reports. All of those reports have included observations, suggestions and insights for agencies to consider in future selection exercises.

This work continues to be important. Merit based recruitment supports an effective, ethical and diverse workforce that should reflect the Australian community and make sure the people recruited have the right skills and capability to perform at a high standard.

This year, I also expanded the number of casual senior review officers. Our recruitment process attracted a group of highly skilled and experienced former senior public service professionals who will bring their expertise to our cost recovered employer services. This new cohort will build on existing capacity to offer services with a high standard of quality, integrity and timeliness and at an extremely competitive cost.

I look forward to the year ahead.

Jamie Lowe

Merit Protection Commissioner

Part 1: Overview





Our year at a glance

Responding to Code of Conduct decisions

We received **109** applications for review from APS employees subject of Code of Conduct decisions. This is the highest number of applications ever received by the MPC and is 70% of our work profile.

Making the correct and preferable decision

We set aside/varied **40%** of decisions of Code of Conduct breaches and sanctions that we reviewed. We did this to correct a procedural defect or make the preferable decision after considering all the evidence and the individual circumstances.

Uplifting capability and strengthening merit in APS recruitment

We oversaw the application of merit in APS recruitment. We received **65** applications for review of a promotion decision and selection exercise. Our reports made observations, gave advice and suggestions for improvement to agencies.

Workplace decisions

We received **199** applications from APS employees seeking a review of an employment decisions (other than Code of Conduct decisions). These were mostly about allowances, salary advancement and management of poor performance.

Providing education and sharing knowledge

We published the ***MPC Guidance for APS agencies on building an effective system of review*** in March 2026 with how to draft a policy and a practical tool to meet the obligations under the Employment Principles.

Supporting agencies to make better decisions

We hosted the APS Review of Actions and Code of Conduct Community of Practice – a professional network giving practitioners a supportive and educative environment. Our quarterly sessions were attended by **762** agency representatives.

Improving our timeliness

We created a specialised assessment team to bolster our ability to manage unexpected staffing shortfalls, limited resources and a steady increase in volume. We completed **91%** of code of conduct matters within our performance indicator and **89%** of workplace decisions.

Engaging with all our stakeholders

We responded to **1051** enquiries from employees and review practitioners seeking information about the review entitlement. We engaged with stakeholders to guide and inform practitioners.

About the MPC

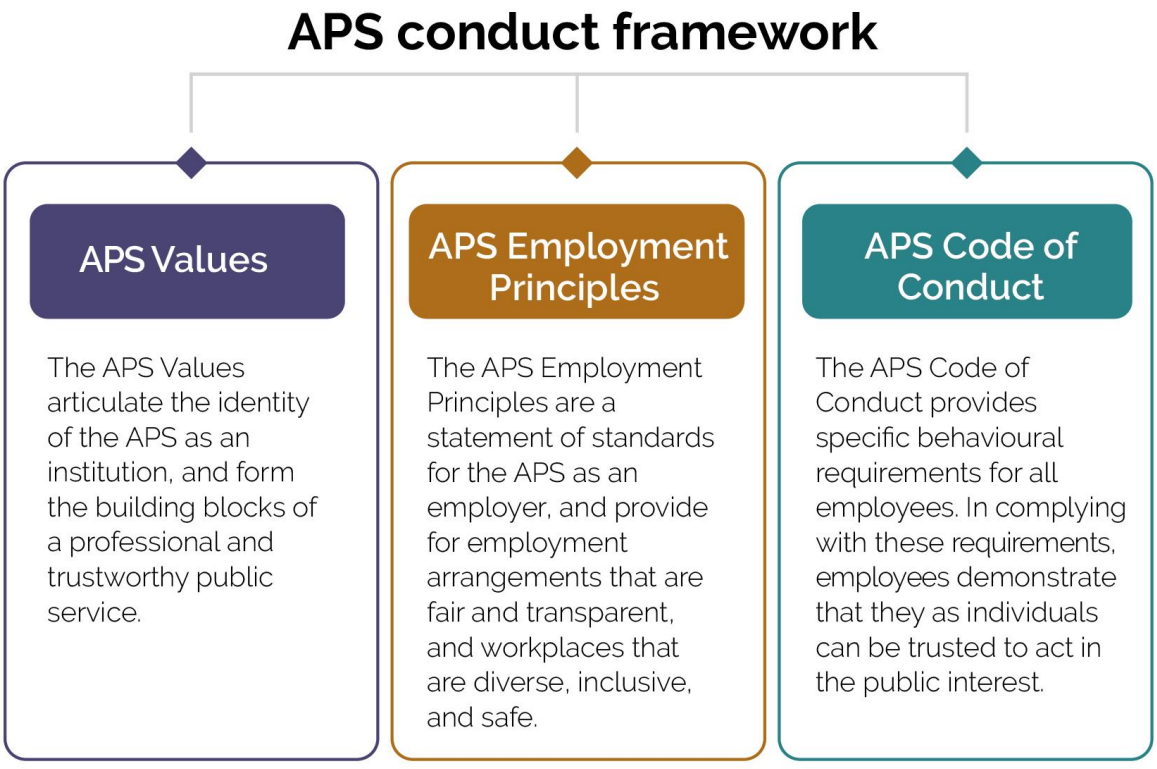
The MPC is an independent statutory office holder.

We conduct merit reviews of employment decisions to make sure they are correct, fair and lawful. We make recommendations based on evidence and grounded in a strong understanding of employment law, employee rights and entitlements, and the Australian Public Service's (APS) operating environment. We adjudicate disagreements about workplace decisions, inquire into alleged misconduct in the workplace, review agency decisions to ensure agencies have followed the appropriate processes and directions, and ensure that selection exercises and promotion decisions are merit-based.

The MPC is a steward of the APS conduct framework, which is made up of the APS Values, the APS Employment Principles and the APS Code of Conduct. In doing this we contribute to the integrity, efficiency and effectiveness of the APS.

Along with all Commonwealth agencies, we share a commitment to making the APS a better, fairer and safer workplace and a model employer.

Figure 1: The APS conduct framework



Our ministers

Our ministers are:

Senator the Hon Katy Gallagher

- Minister for the Public Service
- Minister for Finance
- Minister for Women
- Minister for Government Services

The Hon Patrick Gorman MP

- Assistant Minister for the Public Service
- Assistant Minister to the Prime Minister
- Assistant Minister for Employment and Workplace Relations

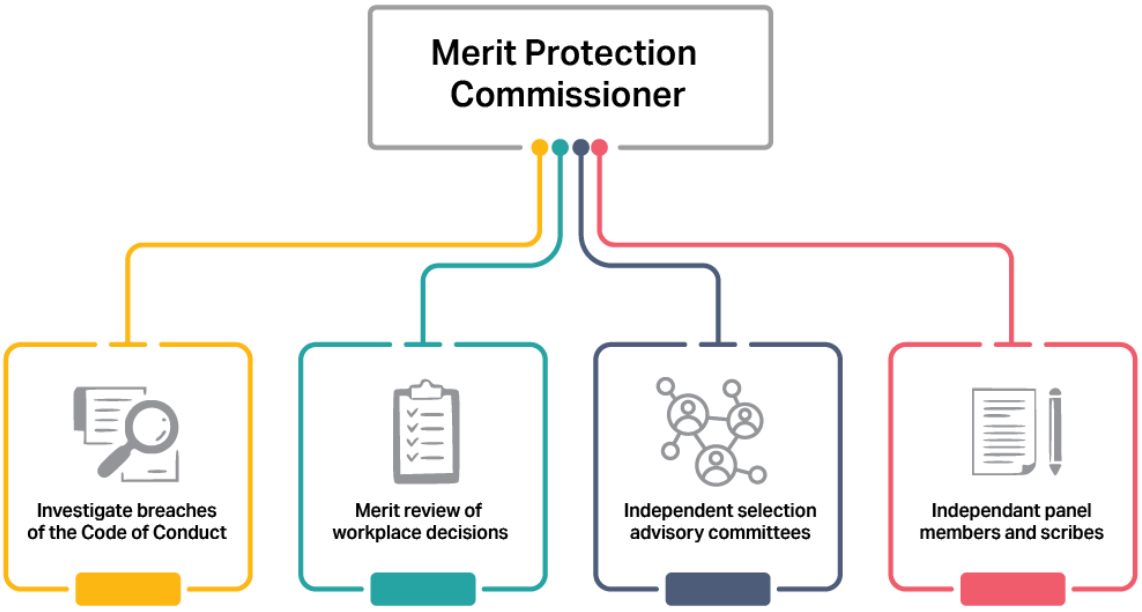
Our legislation

The MPC is established under the *Public Service Act 1999* (the Public Service Act) to perform certain statutory functions for the Australian Public Service.

The statutory functions are set out in Part 6 of the Public Service Act and Parts 4 and 6 of the Public Service Regulations 2023. The MPC also has a review function for the Australian Federal Police (AFP), set out in the *Australian Federal Police Act 1979* and the Australian Federal Police Regulations 2018. The specific statutory authorities for each MPC function are set out in Appendix A.

The MPC, Jamie Lowe is also the Parliamentary Service Merit Protection Commissioner. Her duties and functions under the *Parliamentary Service Act 1999* mirror those of the MPC and the Public Service Act and are the subject of a separate annual report.

Figure 2: Our key statutory activities



Our structure

The office of the MPC comprises the Merit Protection Commissioner and a team of experienced and highly knowledgeable public servants with diverse experience. Staff are employees of the Australian Public Service Commission (APSC).

Under section 49(2) of the Public Service Act, the APSC must provide the MPC with the staff necessary to enable the exercise of its functions. The APSC provides the MPC with corporate support, information systems and property services.

The MPC has an average staffing level of 13.1. This year we have aligned the team structure to better reflect stages of a review process. This has assisted us to effectively manage the increased workload as described in later sections of this report. We maintain a pool of skilled and experienced casual employees who are engaged on an as-needed basis. We use these employees for our cost recovered employer services and as a surge capability and resource.

The Merit Protection Commissioner

Jamie Lowe



Jamie Lowe commenced in the role of Merit Protection Commissioner on 30 September 2024.

Ms Lowe holds a Bachelor of Law (Honours) and Arts and has served in senior positions across the Commonwealth Government. Prior to her appointment, Ms Lowe was First Assistant Commissioner at the Australian Public Service Commission. In this role, she led the Centralised Code of Conduct Inquiry Taskforce established in response to the report of the Royal Commission into the Robodebt Scheme.

Ms Lowe has led multidisciplinary teams at the National Disability Insurance Agency and the Attorney-General's Department in delivering major policy reform and program design for government.

The office of the Merit Protection Commissioner is established under the *Public Service Act 1999*. It is responsible for a number of statutory functions, including supporting compliance with the APS Values, the APS Employment Principles and the APS Code of Conduct.

Our functions

If an APS employee believes that a selection exercise, code of conduct decision or other workplace decision is unfair or incorrect, they can contact us to better understand whether they are eligible to seek a review of that decision.

Attracting, recruiting and retaining good employees are persistent challenges for all employers, including Australian Government agencies. From time to time, there will be workplace decisions that may result in disputes between employers and employees, and we can operate as an effective and impartial circuit breaker in these circumstances.

We also provide expert and impartial services to assist agencies to make high-quality and timely recruitment decisions and effectively manage allegations of misconduct or workplace disputes.

Review of Code of Conduct and other workplace decisions

Section 33 of the Public Service Act gives APS employees an entitlement to seek a review of an action that relates to their employment. This includes a decision relating to misconduct findings and any subsequent sanction decision. The primary role of the MPC is to conduct reviews under this part of Public Service Act.

A review is an independent ‘fresh look’ at the original decision to make sure that it is fair and lawful. Depending on the type of decision under review, it will mean taking into account any case law, industrial instruments, agency policy and procedures. In all reviews, it is important to consider the individual circumstances and context of the decision.

We can make recommendations that confirm workplace decisions made by agencies when those decisions are fair and correct. Where we consider that a decision is not the correct or preferable outcome, we recommend that the decision be set aside or varied. We discuss our role under the Public Service Act and the Public Service Regulations in detail at Part 2 of this report.

Review of merit in recruitment

Australians should have trust in the public servants who deliver important services and make policies that impact us. Australians should be confident that public servants are employed because they have the right skills and experience and are the best person for the job they have been employed to do. This is the basis of merit in APS recruitment.

A promotion review looks at the entire selection process to determine whether it is compliant with the merit principle and the requirements of the Australian Public Service Commissioner’s Directions 2022 (Commissioner’s Directions).

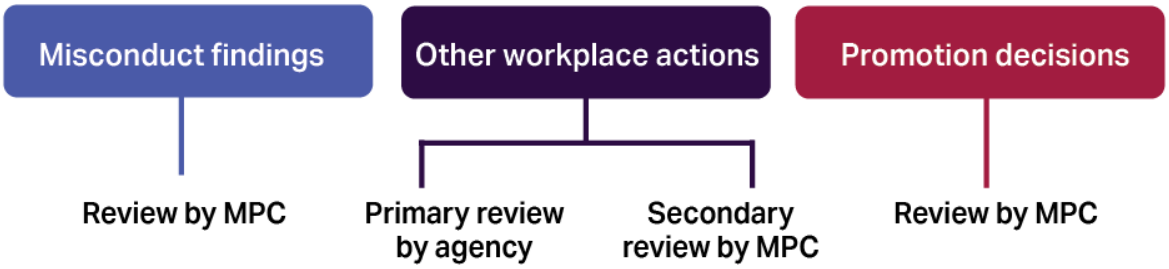
The MPC also has ‘own motion’ powers to independently initiate an audit of a selection exercise without a complaint or application and determine whether it is merit based.

The purpose of this function is to strengthen the understanding and application of merit in recruitment across the APS.

Transitional arrangements continue to exist for vacancies advertised prior to 1 April 2025.

Information on our performance in administering this function can be found at Part 2 of this report.

Figure 3: MPC's role in conducting reviews



Complaints and inquiries

Under section 50 of the Public Service Act, the MPC can conduct an inquiry into:

- a public interest disclosure that relates to an alleged breach of the APS Code of Conduct
- a complaint about an alleged breach by the Australian Public Service Commissioner of the APS Code of Conduct
- an APS action, but only at the request of the Minister for the Public Service
- whether an APS employee or former APS employee has engaged in conduct that may have breached the APS Code of Conduct, but only at the request of an agency and only if the employee agrees.

We can also undertake a preliminary assessment to determine whether there is sufficient information to initiate a Code of Conduct process.

The Public Service Regulations also provide for a former employee to make a complaint to the MPC about their agency's calculation of the final entitlement when they separate from the APS.

Recruitment and employee services

We can assist employers by providing a range of employment-related and recruitment services. These services can assist an employer to make high-quality and timely recruitment decisions and can be provided to APS and non-APS Commonwealth entities and to state and territory departments or agencies. In certain circumstances, we can also effectively manage allegations of misconduct or workplace disputes for an agency. These services are provided on a cost-recovery basis.

Independent selection advisory committees

On request, we can provide APS agencies with support to conduct a recruitment exercise in the form of an independent selection advisory committee (ISAC). An ISAC, established by the MPC under the Public Service Regulations, can conduct the entire selection process on behalf of an agency. The unique feature of an ISAC is that any promotion decisions resulting

from the process cannot be subject to a promotion review. An ISAC can only be used for APS 2 – 6 recruitment processes.

Information and guidance

This year, we received and responded to 1051 enquiries (in addition to our calls about individual cases) from both employees and agencies about the Review of Actions scheme, our recruitment services and the role of the MPC. Where possible, we resolve the enquirer's issue.

We value the opportunity to engage directly with our stakeholders and use the data we collect to inform our publications, target our education and resources, and improve our service delivery.

If we cannot assist, we refer the enquirer to the appropriate agency. We often refer issues and concerns to the APSC Employment Policy and Ethics Advisory team. Table 1 shows the total number of non-casework contacts we have received and responded to over a 5-year period.

Table 1: Number of enquiries, over 5 years (2021–22 to 2025–26)

Year	2021–22	2022–23	2023–24	2024–25	2025–26
Enquiries	1,546	1,107	1,226	956	1,051

Feedback on our enquiries line

I called the MPC today about some serious matters that have caused an immense amount of distress to me as well as severe impacts on my mental and physical health.

As a person with invisible disabilities involving chronic disease, mental health and neurodivergence, all too often I am dismissed, and requests for reasonable adjustments ignored or denied out of hand.

Speaking to your staff member today was a breath of fresh air. Having a person who was happy to listen with compassion and openness was an amazing and refreshing experience. Her behaviour and attitude were so much a living example of the code of conduct that I want to point it out as a matter of excellence in the government that I have rarely encountered.

While she considered her actions as just normal and didn't want to be recognised for just doing her job, I want to point out how her actions make a world of difference to someone in my position, recognising me as a person, not a disability.

Part 2: Operations and performance



Review of Code of Conduct decisions

Key measures for 2025–26

Applications received	Breach decisions reviewed	Sanction decisions reviewed	Number of agencies
109	43	25	35

Review outcomes



We confirmed 60% of Code of Conduct decisions.



We set aside or varied 40% of Code of Conduct decisions.

Most common types of decisions

Breached elements

- Lack of respect and courtesy
- Fail to uphold values, integrity and reputation of APS
- Failure to act with care and diligence

Sanctions issued

- Reprimand
- Deduction from salary by way of fine
- Reduction in salary

Timeliness

We completed 91% of our eligibility decisions and Code of Conduct reviews within our performance target.

The APS Code of Conduct

All APS employees have an obligation to act in a way that reflects the APS Values, the APS Employment Principles and the Code of Conduct. Employees are expected to know, understand and act in accordance with this conduct framework.

For public servants, the Code of Conduct applies generally to conduct that is connected with APS employment. Certain obligations relating to integrity and the reputation of the APS apply at all times. Behaviour that is contrary to the Code of Conduct can create unsafe workplaces, undermine relationships with other staff and damage public trust and confidence in the public service.

Being found to have breached the Code of Conduct can have serious consequences for both the employee and the workplace. It is therefore incumbent on agency heads to make sure they manage suspected misconduct effectively and without bias and to make fair decisions that can withstand scrutiny.

Under section 15(3) of the Public Service Act, an agency head must publish procedures setting out how they will determine breaches of the Code of Conduct. Those procedures must also meet the requirements set out in the Commissioner's Directions to ensure:

- the employee is informed of the detail of the suspected misconduct, and
- the process undertaken to investigate, or inquire into, the allegation is clear, and
- the employee is given a reasonable opportunity to respond to the allegation and to any proposed sanction.

For an agency head to reach a valid decision on whether an employee has acted contrary to the Code of Conduct, the investigation must follow those section 15(3) procedures.

For APS employees who have been found to have breached the Code of Conduct, there is an option to seek an MPC review of the breach decision and any subsequent sanction decision. We cannot review decisions to terminate employment.

The right to seek an independent review of a Code of Conduct decision applies to APS employees in classifications APS 1 to EL 2. Former APS employees can seek review of a breach decision that is made after they left the APS if it is in relation to behaviour that occurred during their employment.

MPC merits reviews

The MPC has the power to conduct reviews of:

- a decision that an employee's conduct is in **breach** of an element of the Code of Conduct (a breach decision)
- a **sanction** decision arising from the breach (except for termination of employment decisions).

We consider all aspects of the decision, including the finding of facts, evidence, the application of policy and the law, and the exercise of discretion that is given to the decision-maker.

The MPC can make a recommendation to an agency head to confirm the original decision or to set aside or vary the decision.

Reviewing breach decisions

When we conduct a review of a breach decision, we must consider whether:

- the agency's procedures for dealing with the alleged breach comply with the Commissioner's Directions
- there was substantial compliance with the agency's procedures and the requirements of procedural fairness
- on the balance of probabilities, there is sufficient evidence to conclude that the employee did what was alleged
- what the employee did amounts to a breach of one or more of the elements of the APS Code of Conduct.

Reviewing sanction decisions

Getting a sanction decision right is important to the culture and productivity of a workplace. When an employee is found to have engaged in conduct that is in breach of the Code of Conduct, an agency head can impose one of the sanctions set out in section 15(1) of the Public Service Act.

The sanctions are:

- termination of employment
- reduction in classification
- reassignment of duties
- reduction in salary
- deductions from salary by way of a fine
- a reprimand.

As previously noted, the MPC cannot review a decision to terminate an employee's employment. However, the MPC can review the related breach decision up until the employee's employment is terminated. We will always prioritise those reviews.

When reviewing a sanction decision, we have regard to the original decision and how issues, such as the nature and seriousness of the breach and any other mitigating factors, were balanced and considered.

End-of-year totals for Code of Conduct decisions

Applications for review

This year we received 109 applications from employees who were found to have breached the Code of Conduct and/or received a sanction decision. This total includes 4 applications from former APS employees. Table 2 shows that there has been a significant and steady increase in the number of applications for a review of a Code of Conduct decision over the past 5 years. Each application received must be assessed for eligibility. To be eligible for

review, the application must be made within 60 days from the date of the decision (unless there are exceptional circumstances to explain the delay).

Table 2: Applications for Code of Conduct decisions, and number reviewed, over 5 years (2021–22 to 2025–26)

	2021–22	2022–23	2023–24	2024–25	2025–26
Applications	31	59	79	94	109
Total reviewed	24	39	47	61	68

Reviews of Code of Conduct decisions

Of the 109 applications received, there were 68 cases that proceeded to merits review.

Breach decisions

When an employee is found to have breached the Code of Conduct, the investigation into the matter may involve numerous allegations, taking witness statements, gathering large volumes of evidence such as audit reports, CCTV footage and analysis of policy documents. Depending on the individual circumstances, a single application for review can include reviewing an investigation report which has found numerous breaches of many different elements of the Code of Conduct.

Tables 3 and 4 breakdown the elements of the Code of Conduct reviewed this year and provide a comparative list of the most frequent misconduct issues reviewed over the previous 4 years. As noted above, a review may include numerous allegations and potential breaches of elements of the Code.

Table 3: Elements of the Code of Conduct reviewed (2025–26)

Conduct type	Number
Lack of respect and courtesy	39
Values, Integrity, Reputation of Agency and APS	33
Failure to act with care and diligence	19
Misuse of Commonwealth property and information	16
Dishonesty: act without honesty and integrity	14
Failure to follow a direction	13
Improperly used inside information, duties status power or authority	7
Failure to declare or avoid a conflict	6
Provide false information in response to a request for information	5
Knowingly provide false or misleading information during recruitment	2
Failure to comply with law (in connection with APS employment)	2
Non-compliance with any other conduct requirement in the Regulations	1
Pre-engagement failure to behaviour with honesty and integrity	1

Table 4: Most frequent elements of the Code reviewed over previous years (2021–22 to 2024–25)

Year	Top conduct issues
2024–25	• Dishonest conduct or conduct lacking integrity • Lack of respect and courtesy • Misuse of Commonwealth resources
2023–24	• Dishonest conduct or conduct lacking integrity • Failure to follow a direction • Conflict of interest
2022–23	• Lack of respect and courtesy • Lack of care and diligence • Dishonest conduct or conduct lacking integrity
2021–22	• Lack of respect and courtesy • Unauthorised accesses • Misuse of Commonwealth resources

Sanction decisions

Table 5 lists the types of sanction decisions reviewed by the MPC (noting that a decision to terminate employment cannot be reviewed by the MPC). In many of the cases that we review, more than one sanction can be imposed for a single breach of an element of the Code of Conduct.

Table 5: Sanction decisions reviewed by type of sanction over 3 years (2023–24 to 2025–26)

Type of sanction imposed	2023–24	2024–25	2025–26
Reprimand	10	11	11
Deduction from salary by way of a fine	5	9	7
Reduction in salary	6	6	7
Reduction in classification	2	4	5
Reassignment of duties	2	1	4
Total	**25**	**31**	**34**

Feedback from an applicant

I am very happy with the outcome and thanks for your considered response. Of course, I would have preferred not to receive the reprimand but overall, I feel your decision is very fair.

Review outcomes

When the MPC makes a recommendation to confirm, set aside or vary a decision, it can be due to a range of factors. No matter the outcome, by its nature a merit review is a resource-intensive exercise.

Reviews of Code of Conduct matters made up nearly 70% of our total review workload this year. A merits review can take a number of weeks to complete and involves important procedural fairness requirements. All the recommendations made by the MPC to agency heads in 2025–26 were accepted and implemented.

As can be seen in Table 6, the percentage of our recommendations to set aside or vary a breach or sanction decision has remained largely consistent over the past 5 years. This is despite the continual increase in the number of reviews conducted.

Table 6: Code of Conduct decisions set aside / varied, over 5 years (2021–22 to 2025–26)

Decisions	2021–22	2022–23	2023–24	2024–25	2025–26
Percentage set aside / varied (%)	33	36	34	39	40

Table 7 shows the number of review applications received, reviews completed, and reviews with outcomes of ‘set aside’ or ‘varied’ based on the agency that made the original decision.

Larger agencies – Services Australia, the Department of Defence and Department of Agriculture Fisheries and Forestry – account for nearly half of all applications received throughout the year. Of those, Department of Defence employees had the highest percentage of code related matters either set aside or varied.

Table 7: Applications, completed reviews and outcomes for code matters by agency (2025–26)

Subject agency	Applications received	Reviews completed	Set aside / varied
Services Australia	22	13	2
Department of Defence	14	12	6
Department of Agriculture, Fisheries and Forestry	12	5	1
Australian Taxation Office	6	8	3
Aged Care Quality and Safety Commission	4	1	0
Department of Employment and Workplace Relations	4	2	2
Department of Home Affairs	4	3	0
Department of Veteran Affairs	4	1	0
NDIS Quality and Safeguards Commission	4	3	1

Subject agency	Applications received	Reviews completed	Set aside / varied
Australian Criminal Intelligence Commission	3	1	0
Department of Finance	3	2	2
Great Barrier Reef Marine Park Authority	3	1	1
Australian Nuclear Science and Technology Organisation	2	0	0
Department of Climate Change, Energy, the Environment and Water	2	2	1
Federal Court of Australia	2	2	0
Other agencies	20	12	8
Total	**109**	**68**	**27**

Feedback from an applicant

I would like to sincerely thank you for your time, effort and consideration in reviewing my matter. I greatly appreciate the thorough consideration, care, impartiality and fairness shown by the Merit Protection Commission [sic] throughout the review process, and I am grateful for the outcome reached. Please also extend my thanks to everyone involved at the Commission for their work in reviewing my matter. Thank you again for your assistance.

Case studies

This section gives examples of our work this year. Our case studies demonstrate how we undertake our work and the outcomes we have achieved to benefit agencies and employees.

A clear and material conflict of interest

An employee used a pseudonym to submit multiple Freedom of Information (FOI) requests to their Agency. The nature of the employee's role meant that they were then directly involved in preparing the Agency response to these requests, including by drafting responses and clarifying questions. The employee also used the Agency's resources to lodge a complaint about the Agency's response to the FOI requests.

When this was discovered, the employee was found to have failed to separate their personal interests from their official responsibilities. The Agency concluded that the employee had improperly used Commonwealth resources and had used inside information and their official duties to obtain an advantage.

The Australian Information Commissioner's guidance states that individuals may use a pseudonym when making an FOI request. However, the central issue in this case was the employee's direct involvement in the management of their own requests, and their use of Agency resources for personal purposes.

We found that the employee's involvement in their own FOI request represented a clear and material conflict of interest. The employee also had not sought approval to use Agency systems, had used work time and IT resources for their personal activities, and had attempted to conceal their use of their work email. If the conflict had been declared, appropriate mitigation measures could have been implemented, such as removing the employee from any involvement in the Agency response.

Our review found the employee's conduct failed to meet the positive obligation under the APS Code of Conduct to behave in a way that maintains public confidence in the APS and its systems, including the integrity of the FOI process. The MPC recommended that the agency's finding of misconduct be confirmed.

Issuing of directions

For a failure to follow a direction to constitute a breach of the Code, the direction must be lawful, reasonable, and communicated clearly. Employees are expected to comply with clear and lawful directions, even when they disagree with them.

A direction was lawful

An employee had been using their work email account to send personal correspondence related to a legal dispute. Their Agency issued a formal direction requiring the employee to stop using their work email for this purpose. Despite the direction, the employee continued to send emails. The matter came to the Agency's attention when a third party lodged a complaint.

The Agency investigated the matter and determined that the employee had breached the Code of Conduct by failing to comply with a lawful and reasonable direction. The employee applied for review, arguing that the direction had been unclear and it was unreasonable to conclude that they had not complied.

In reviewing the matter, we referenced the guidance on lawful and reasonable directions outlined in the APSC's Handling Misconduct: A Human Resource Manager's Guide. This included considering whether the direction was issued using the language of command and whether it was sufficiently clear and specific for the employee to understand exactly what was required.

Our review found that the direction clearly described the behaviour that was to cease and left little room for misunderstanding or interpretation. The direction was expressed in clear and direct terms and provided the employee with a reasonable opportunity to understand and comply with it.

Taking these factors into account, the MPC concluded that the direction was lawful and reasonable in the circumstances and recommended that the breach decision be confirmed.

Bias in decision making

After establishing that the decision-maker holds the authority to make a decision, the next step is to assess whether the decision under review is lawful and procedurally fair. This step

occurs before we examine the merits of the decision under review. The *Administrative Decisions (Judicial Review) Act 1977* sets out grounds on which a decision may be invalid.

Decision makers must base their findings only on relevant evidence and must remain impartial throughout the process. Even where actual bias is not established, the appearance of bias can be enough to invalidate a decision. Maintaining an open mind and providing employees with a fair opportunity to respond are fundamental to a lawful and defensible decision-making process.

The importance of an open mind

An employee was the subject of investigation for breaching the APS Code of Conduct.

During the investigation, the delegate obtained personal information about the employee that was unrelated to the investigation. Importantly, the employee was not made aware that this personal information was being considered and was not given an opportunity to explain or respond to it.

In our view, there was evidence to suggest that the delegate had formed a negative view of the employee based on that information. Consequently, the delegate's decision was unduly influenced by their view of the employee rather than an impartial consideration of the facts relevant to the alleged breach.

The test for apprehended bias is whether a fair-minded and informed observer might reasonably apprehend that the decision maker did not approach the task with sufficient impartiality.

By considering irrelevant information and failing to give employee an opportunity to respond, the decision maker in this case created the appearance of bias and undermined confidence in the fairness of the process. The MPC recommended that the decision be set aside due this material flaw.

Timeliness

We aim to complete a review of a Code of Conduct decision within 14 weeks from the date on which we receive the application. We do not count the time when we are waiting for a response from an agency or an applicant, or some other factor which impacts our ability to progress the review.

This year we completed 91% of our decisions about Code of Conduct matters within the timeframe. While this was slightly slower than last year, our performance remained strong given the increase in applications and reviews.

We have conducted a realignment of our structure to build a specialist team of reviewers. This will help to improve our timeliness for the coming year.

Table 8: Average time to complete review of Code of Conduct decisions (2025–26)

Review type	Average time to complete reviews (weeks)	Reviews completed within target timeframe (%)
Code of Conduct decisions	10	91

Review of promotion decisions and selection exercises

Key Measures for 2025–26

Applications received	Promotion reviews	Own motions audits	Agencies
65	7	2	5

Review findings



Selection exercise and promotion decision was merit based

- Australian Taxation Office
- Australian Taxation Office
- National Disability Quality and Safeguards Commission
- Department of Defence



Selection exercises and promotion decision was not merit based however it was not material to the outcome

- Department of Home Affairs
- Australian Taxation Office
- Australian Electoral Commission



Selection exercise and promotion decision was not merit based and it was material to the outcome

- Department of Defence

Own motion audits of a selection exercise

Agencies audited:

- Department of Home Affairs
- NDIS Quality and Safeguards Commission

Merit in APS recruitment

Merit is a fundamental principle of recruitment in the APS and supports an effective ethical and diverse workforce that reflects the Australian community.

Merit is defined in section 10A(2) of the Public Service Act, which states that a promotion or engagement decision are based on merit where:

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

The Public Service Act, together with the Commissioner's Directions, set out the framework for merit-based recruitment practices. The Directions describe a merit-based process as being when:

- 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
- the selection process is appropriately documented.

Review of merit

Since 1 April 2025, the MPC has administered a function to review certain promotion decisions and selection exercises to determine if those processes are merit based as required by the legislative framework. We review the entire recruitment process from the planning stage through to the offer of a promotion decision.

On receipt of an eligible application, we can decide to review a promotion decision. We now also have an own motion power to audit a selection exercise.

The objectives of the two functions are to:

- strengthen the understanding and application of merit in public sector recruitment
- improve recruitment outcomes across the APS
- build capability and transparency in selection processes
- share good recruitment practices across the public sector to support continuous improvement
- build confidence in the sector through education, advice, and guidance arising from our review work.

To meet those objectives, our review and audit reports include observations, suggestions for improvement, and insights for agencies to consider in future selection exercises.

When assessing merit, we also reference recent APSC guidance materials on merit and recruitment practices.

Area of focus – conflicts of interest

While a review or audit must consider whether the entire process was merit-based, in August 2025 the MPC advised agency heads of our intention to focus on how conflicts of interest were managed and mitigated in the recruitments that we reviewed or audited.

We observed good baseline practice in how conflicts of interest are disclosed. Generally, there is a clear articulation of the expectation that panel members identify and declare their real or potential conflicts. In most cases, this procedural step has been built into the recruitment process by requiring panel members to complete a declaration form (even where there is no conflict) prior to shortlisting. This practice aligns with APSC guidance.

However, we did observe that, once a declaration is made, the consideration of specific and relevant strategies on how to best manage the conflict is often cursory and seemingly perfunctory. There was also a lack of documentation to confirm that the strategies had been implemented.

Our reports have made suggestions to improve the recording of the steps taken by individual panel members to implement the strategies during the selection exercise.

For the year ahead, our focus will be on the application of APS RecruitAbility scheme. This will be an opportunity to observe, at a service-wide level, the practical operation of this important inclusion and diversity strategy.

End-of-year totals

This is the first-year reporting on our activities under new promotion review scheme. The transitional arrangements in the Regulations require the MPC to continue to administer the previous function for all vacancies advertised prior to April 2025. Our reporting on the function can be found at the end of this chapter.

Review findings and recommendations

Unlike reviews of workplace decisions, a promotion review is limited to considering the information that was known to the agency at the time of the selection exercise and the promotion decision.

When conducting a review, the reviewer will consider whether:

- the recruitment panel is qualified and suitable
- potential conflicts of interest are declared and managed
- applicants are treated fairly and assessed against the same criteria
- the assessment tasks are fair and relevant to the role

- there were genuine comparative assessments to distinguish one candidate from another in terms of their work-related qualities
- the selection report has clear evidence-based reasons for decisions
- the delegate has the authority to make the decision

After a review has found that a selection exercise met the requirements of a merit-based process, the agency head is advised that the promotion can proceed and any merit pool, ranked merit pool or merit list can be used

If a reviewer finds the selection process to be noncompliant, but the outcome would not have been materially different, the promotion decision can proceed and the merit pool or list can be used for further appointments. In these cases, the report to the agency head will include observations and suggestions for improvements to avoid similar non-compliance reoccurring.

However, where non-compliance is found to be material to the outcome, the promotion decision is not able to proceed. This decision is binding on the agency head. In these circumstances, we must decide that the promotion cannot proceed and recommend that any merit pool, ranked merit pool, or merit list not be used on or after the day that the report is given to the agency head.

Promotion reviews

Applications for review

When we receive an application for review, we conduct an initial assessment to determine whether it is eligible. There are clear timeframes for making an application, and only APS 2 – 6 promotion decisions can be reviewed.

Applicants must also provide a reason for why they believe that the selection exercise was not merit based. The most common reasons for seeking a review have been:

- complaints about the existence of a real or perceived conflict of interest with a panel members or delegate, which was not handled appropriately and raised concerns about bias in the decision-making process
- concerns that the assessment tasks were not related to the role
- a procedural defect around notification of interviews or application of reasonable adjustments
- concerns that the merit pool was used to promote to a role that was very different to the original vacancy.

Table 9 has the number of applications received and closed this financial year, and the number that proceeded to review. Table 10 lists the applications by the agencies who conducted the selection exercise. The outcomes of the completed reviews can be found in Table 11.

Table 9: Applications received and assessment outcome (2025–26)

Promotion review applications	Number of applications / outcomes
Applications received	65
Applications closed	65
Invalid	55
Not justified	3
Reviewed	7

Table 10: Application by agency (2025–26)

Agency	Number of applications
Australian Tax Office	27
Department of Home Affairs	8
Services Australia	6
Department of Defence	6
National Disability Insurance Agency	5
Department of Agriculture, Fisheries and Forestry	3
Australian Electoral Commission	2
NDIS Quality and Safeguards Commission	2
Other agencies (6)	6
Total	**65**

Reviews outcomes

Table 11: Promotion review finding and recommendations (2025–26)

Outcome	Finding and recommendation	Total
Merit based	No further action	3
Not merit based however the outcome was not materially different	No further action but advice and guidance provided	3
Not merit based and the outcome was materially different	Promotion decision was set aside with no other vacancies filled using the selection exercise	1
Total		**7**

In Table 12, we have the outcomes of our reviews by agency. On only one occasion did we find the non-compliance of the merit principle was material to outcome.

Table 12: Reviews by agency (2025–26)

Agency	Set aside	Upheld
Australian Taxation Office	0	3
Australian Electoral Office	0	1
Department of Defence	1	1
Department of Home Affairs	0	1
Total	**1**	**6**

Timeliness

The Regulations require the MPC to publish guidelines on timeframes for the completion of a review. The time taken to complete a review will depend on its size and complexity.

Once an eligible application for review has been received by the MPC, an agency is required to place on hold any promotion or engagement decision that has not already taken effect. Given this, we prioritise our promotion review work.

Own motion audits

The MPC own motion audit is a broad discretionary power, which is designed to give greater visibility of APS agency compliance with the merit principle. It provides a platform to educate and uplift recruitment capability and outcomes and share examples of good practice. Currently, our powers extend to APS recruitment and are limited to APS 2 - APS 6 classifications.

This year, we prepared a schedule of the type of recruitment practices to audit. This process was informed by our review work, intelligence holdings from diverse sources including complaints, referrals, and media reports.

At the completion of a review or own motion audit, we provide a detailed report to the agency head with our decision, recommendations and suggestions for improvements.

The following tables show the outcome of those audits and the agencies involved.

Table 13: Audits commenced and in progress (2025–26)

Own motion audits	Number
Completed audits	2
Audits in progress	2

Table 14: Own motion audit outcomes by agency (2025–26)

Agency	Set aside	Upheld
Department of Home Affairs	0	1
NDIS Quality and Safeguards Commission	0	1

Table 15: Own motion audit findings and recommendations (2025–26)

Selection process	Decision and recommending	Number
Merit based	No further action	2
Not merit based however the outcome was not materially different	No further action but advice and guidance provided	-
Not merit based and the outcome was materially different	Promotion decision must be set aside and recommendation that merit pool not to be used to make offers	-

Reporting outcomes to the APS Commissioner

Under section 82B of the Regulations the MPC reports twice a year to the APS Commissioner on the number of promotion reviews and a summary of review and audit outcomes. This year we reported to the APS Commissioner in January 2026 and June 2026.

Review of workplace decisions (not Code of Conduct)

Key measures for 2025–26

Applications received	Reviews completed	Complaints about final entitlements	On hand at end of year
199	36	15	12

Review outcomes



We confirmed 81% of workplace decisions (not Code of Conduct)



We set aside or varied 19% of workplace decisions (not Code of Conduct)

Most common types of decisions

- Condition of employment (salary, attendance, special payments)
- Performance management (ratings, underperformance process)
- Suspension from duties
- Bullying, harassment and complaint outcomes

Top agencies

- Services Australia
- Department of Defence
- Department of Home Affairs
- Australian Taxation Office
- Department of Agriculture, Fisheries and Forestry

Timeliness

Reviews completed within target timeframe: 89%

Complaints about final entitlement completed with target timeframes: 100%

Workplace decisions

This chapter is about employment related decisions other than decisions involving breaches of the Code of Conduct.

With these types of decisions, an agency is first given the opportunity to conduct its own review to determine whether the correct and preferable decision has been made. This is called a primary review. If the employee is not satisfied with the agency's primary review, they may apply to the MPC for further review of the decision.

In very limited circumstances, the Public Service Act permits the MPC to accept an application for a review without requiring the agency to first conduct its own review of the decision. We may only do this when, for a range of reasons, it is not appropriate for the agency to do its own primary review, or the action or decision was taken by a statutory office holder.

Types of decisions

Workplace decisions under this part of the Public Service Act include decisions on:

- disputes about conditions of employment, including decisions about an employee's allowances, accrual of flex time, fitness for duty and leave entitlements
- concerns about assignment of duties, such as decisions about medical report interpretation, decisions about return-to-work arrangements, and decisions to suspend an employee (usually because a Code of Conduct process has been initiated)
- issues with workplace environments, including allegations of bullying and harassment, sexual harassment, failure to act on a complaint, decisions not to investigate, the lawfulness of a direction, management action, and outside employment
- disputes about performance management, such as the outcomes of performance appraisals, salary advancement, training and development, and underperformance processes.

How we review these types of decisions

We decide on the correct or preferable decision after taking into account the individual circumstances of each application. These circumstances can often involve a range of competing interests, and situations where the decision-maker has exercised a broad discretion.

When conducting a review, the reviewer is not limited to considering only the information available to the original decision-maker. A reviewer must have regard to all relevant information, and this can include fresh evidence or considerations that arose after the original decision was made.

The reviewer is often required to develop a level of expertise to consider whether:

- the level of inquiry is appropriate, having regard to the seriousness of the decision under review
- gaps in knowledge can be filled by reading business plans, organisation charts, procedural manuals, and other guidance material about the work area
- there is technical advice available that could be seen to be independent

- the manager's concerns about an employee's performance are supported by evidence
- the manager and the employee are credible in presenting their respective positions.

End of year totals

Applications

This year we received 199 applications for a review of a workplace decision. Of the applications we determined (including those on hand at the end of last financial year):

- 162 were not accepted for review.
- 36 proceeded to review.
- 1 was withdrawn before a review was finalised.
- 12 were on hand at the end of the year.

The number of applications for review of a workplace decision that we received and finalised for the 5 years from 2021-22 to 2025–26 are shown in Table 15.

As a percentage of the MPC's overall workload, reviews of workplace decisions have been reducing over time as Code of Conduct matters become the focus for our resources. Nonetheless, the number of applications and completed reviews for workplace decisions also continues to increase.

Table 16: Applications for workplace reviews received and finalised, over 5 years (2021–22 to 2025–26)

Applications	2021–22	2022–23	2023–24	2024–25	2025–26
Received	99	111	143	151	199
Finalised	89	128	136	151	199
Total reviewed	**30**	**31**	**47**	**28**	**36**

Types of decisions reviewed

The different types of workplace decisions we reviewed in 2025–26 are set out in Table 17. The largest group, 'conditions of employment', includes decisions about applications for leave, payment of allowances, and salary and similar entitlements.

Table 17: Types of decisions reviewed (2025–26)

Type of decision	2025–26
Conditions of employment (attendance, leave, salary advancement)	18
Performance management (ratings and underperformance process)	7
Duties (suspension, relocation, security clearances)	4
Workplace environment (complaint outcomes, lawful direction)	4
Management action, issue of direction	2

Review outcomes

In 81% of workplace reviews, we recommend the original decision is confirmed. A recommendation by the MPC to confirm the original decision is on the basis that the agency made the correct and preferable decision after taking into account all of the individual circumstances.

The percentage of decisions set aside or varied is higher than previous years, although it is still a reasonably positive outcome. It should give both agency heads and employees confidence that their supervisors and managers are making sound and fair employment-related decisions. Table 18 shows that the total percentage of decisions that have been set aside or varied has remained relatively consistent when considered over a 5-year period.

Table 18: Workplace decisions set aside or varied (2021–22 to 2025–26)

Decision	2021–22	2022–23	2023–24	2024–25	2025–26
Set aside / varied %	10	17	10	10	19

Results by agency

Table 19 lists the agencies with the highest number of applications received and reviews of workplace decisions conducted, alongside the number of decisions that have been set aside or varied.

The large operational agencies, such as Services Australia and the Australian Taxation Office (ATO), employ about 50% of all APS employees and make up 75% of review applications made to our office.

Table 19: Top four agencies (2025–26)

Top 4 agencies	Application numbers	Reviews completed	Set aside / varied
Services Australia	45	11	1
Defence	26	2	1
Home Affairs	24	5	3
ATO	21	2	2

Publication of guidance to APS agencies on building an effective system of review

In March 2026, we published guidance to assist agencies to build an effective, fair and transparent system of review as required under the Public Service Act.

The guidance is in three parts:

PRINCIPLES	POLICY	PRACTICE
This part highlights the key principles that underpin an effective and responsible system of review. The principles include giving employees information about their entitlement and support to access that entitlement when they need it.	Sets out how to draft a review policy that is accessible fair and takes a strategic approach to managing reviews. The policy will build on the principles and interact with the procedures.	This section is a step-by-step practical tool that walks practitioners and employees through the review process.

As referenced in our guidance, the effectiveness of the Review of Actions scheme depends on employees being aware of their entitlement to seek a review of a decision that impacts their employment. In our experience, an employee is unlikely to seek a review if they are not supported to do so, or if they are not informed of their right to seek a review.

The low number of primary reviews reported by agencies in the State of the Service Report shows that we continue to have work to do in raising awareness and promoting the benefits of the scheme.

Case studies

A broad range of decisions can be subject to review by the MPC. The following case studies demonstrate how our team of experienced expert reviewers make sure workplace decisions are correct and fair.

Evidence supported an increase in salary

An employee had decided to take a temporary role at a lower classification in order to receive additional training, build experience and develop their skills.

After returning to their previous APS level, they requested an increase to their salary to reflect their newly acquired skills. Their request was in line with a provision in the agency's policy, but their application was declined. The agency stated that the employee had only recently been promoted and would receive future increments to their salary.

The employee sought a primary review of this decision, but the agency confirmed the original decision.

Although the decision-maker acknowledged the new skills and qualifications gained by the employee, they decided that this did not qualify the employee for a higher salary. The decision-maker did not provide reasons for this decision and simply said that the employee was not eligible.

The employee then sought a secondary review by the MPC. Upon review, we found that the policy states that an employee can receive a higher salary if they demonstrate the requisite skills, experience and qualifications. When viewed objectively, it was clear the employee had exceeded the requirements and was eligible for a higher salary.

We therefore recommended that the agency set aside the decision and approve the request to increase the employee's salary.

Formal direction was lawful and reasonable

An employee, who had taken extensive periods of unpaid personal leave, was issued with a formal direction that required them to provide specific medical evidence if they made any future applications for unpaid personal leave.

The employee sought a review of this direction on the basis that it was unlawful, unreasonable, and inconsistent with the Enterprise Agreement. In particularly, the employee felt that it restricted their ability to access an entitlement under the Enterprise Agreement by imposing a higher standard of evidence than normal.

The employee sought secondary review by the MPC. We examined the Agency's enterprise agreement and their internal policies on the use of unpaid personal leave. We noted that, although the Enterprise Agreement granted broad entitlements to leave, unpaid personal leave remained discretionary. The agency's internal policy established procedures for the granting of unpaid personal leave. This policy allowed the agency to request additional information from the employee where appropriate. We also considered that the formal direction was broadly in line with this policy.

We also considered whether it was reasonable for the Agency's policy to restrict the granting of unpaid personal leave in this way. However, we noted that, although the agency's policy outlined the process by which unpaid personal leave could be granted, it did not actually contradict the provision in the Enterprise Agreement.

Ultimately, we found that the direction was lawful, reasonable, and given by someone holding the appropriate delegated authority. The MPC recommended the decision be confirmed.

No compelling reason

The employee sought an increase to their salary on basis that they met the requirements in the Enterprise Agreement and the agency's own salary setting guidance criteria. The agency delegate approved an increase to the employee's salary,

but for an amount that was lower than the employee's request. The delegate did not provide reasons for this decision.

When we reviewed the evidence provided by the employee and the agency, we found that the delegate had conflated two separate elements of the guidance criteria. These were that, to be eligible, an employee had to:

1. Demonstrate a recent performance rating of 'exceeds expectation', and
2. Demonstrate a consistent pattern of performing 'above expectations in their current role over sustained period of time'.

The agency did not separate these two elements and claimed that, because the applicant had not consistently received a performance rating of 'exceeds expectations', they did not meet the requirements for an increase to their salary.

However, in our view the guidance only required the employee to be consistently rated as 'above expectations' and only the most recent performance rating had to be 'exceeds expectations'. The evidence provided by the employee clearly demonstrated that they met both requirements. We therefore recommended to vary the original decision.

Timeliness

We aim to complete a review within 14 weeks from the date of receipt. We do not count the time when we are waiting for a response from an agency or an applicant. This year we completed 89% of our reviews within the timeframe.

As well as showing the timeliness of review decisions, Table 20 shows the timeliness of our decisions on complaints about final entitlements, which are discussed further in Part 3.

Table 20: Average time to complete review of workplace decisions (2025–26)

Review type	Average time to complete reviews (weeks)	Reviews completed within target timeframe (%)
Workplace decisions (not Code of Conduct)	10	89
Complaints about final entitlements	5	100

Review of promotion pre-April 2025 scheme

Since 1999, ongoing APS employees at levels APS 1 to APS 5 have had an entitlement to seek a review of a promotion by a promotion review committee under the Public Service Act.

The purpose of a promotion review committee was to determine whether the person who won the promotion had more merit than the person who applied for a review. A promotion review committee can set aside a promotion decision if it finds that another applicant has been able to demonstrate greater merit for the role.

This function is being phased out. We anticipate that we will no longer receive applications for this type of promotion review by December 2026.

Services Australia advertised a large recruitment exercise on 28 March 2025, two days prior to the new function. As a result, this merit pool will likely be the only selection exercise subject to the pre-April 2025 promotion review scheme into the next financial year.

Applications for review of promotion decisions

This year we received 267 applications for review of a promotion decision. A considerable reduction in number of applications.

Table 21: Application for review (pre-April 2025 scheme)

	2021–22	2022–23	2023–24	2024–25	2025–26
Applications	866	935	1191	343	267

Table 22 shows the number and size of cases created and their outcomes, including the number of individual applicants who were party to a review.

Table 22: Promotion review case outcomes (pre-April 2025 scheme)

Promotion review cases	2025–26
Number of decisions reviewed	138
Parties involved in review	172
Number of Committees established	27
Did not proceed to review	9
On hand at end of year	2

Outcomes of promotion reviews

Table 23: Number of decision set aside (pre-April 2025 scheme)

Year	2021–22	2022–23	2023–24	2024–25	2025–26
Promotion decisions set aside	12	11	20	11	9

Table 24: Promotion review outcomes by Agency (pre-April 2025 scheme)

Agency	Parties to review	Decisions reviewed	Promotion decisions varied
Australian Taxation Office	63	58	0
Department of Home Affairs	5	4	1
Services Australia	104	76	8

The consideration of merit is as it stands on the day the promotion review committee makes its decision, not at the time the selection committee made the original decision. This means that if the applicant has undertaken a course or has had an acting opportunity, they can submit this new information for the promotion review committee to take into account.

On completing its review, the promotion review committee reports on the outcome and sets out the reasons for its decisions. The applicants are provided with verbal advice on the outcome and are sent written advice. Unsuccessful parties are offered feedback.

Figure 5 shows the number of promotion decisions that have been set aside, and a new decision made, over the past 5 years.

Timeliness

In 100% of matters, we met our performance target of:

- 8 weeks from the date applications are closed, where there are up to 10 parties to the review
- 12 weeks from the date applications are closed, where there are 10 or more parties to the review.

Part 3: Complaints, inquiries and employer services



Complaints about final entitlements

We receive complaints from former APS employees (including Senior Executive Service (SES) employees) who were concerned about how their final entitlements have been calculated. Final entitlements are the payments that an employee receives when they cease employment. The payments may include:

- final salary payments
- outstanding payment for overtime
- payment for leave that has been accrued but not taken
- redundancy payments and payments in lieu of notice.

Final entitlements are determined by the *Fair Work Act 2009* and the industrial instrument under which the employee is employed, such as an agency enterprise agreement or contract of employment.

We can resolve complaints about errors in the amount of money received or delays in providing an employee with their final payment. We can also work out whether an agency has provided adequate information about how final entitlements are calculated.

This year, we received 15 complaints about final entitlements. Of these, 13 were not accepted due to not being eligible, one was withdrawn and one proceeded to review. The review recommended to confirm the agency's decision.

Inquiries

The MPC can conduct inquiries into:

- a public interest disclosure that relates to an alleged breach of the APS Code of Conduct and meets all the requirements of a disclosure in accordance with the *Public Interest Disclosure Act 2013.*
- complaints about an alleged breach of the Code of Conduct by the APS Commissioner
- an APS action, or a refusal or failure to act by a person in the capacity of an APS employee, secretary or agency head, but only at the request of the Minister for the Public Service
- whether an APS employee, or former employee, has engaged in conduct that may have breached the Code of Conduct – but only at the request of an agency and if all the parties agree.

In 2025–26, we received 3 requests to conduct an inquiry under this part of the Public Service Act. These requests did not proceed.

Recruitment and employer services

The MPC can provide a range of employment-related services to APS agencies, non-APS Commonwealth entities, and state and territory agencies and departments to assist with making high-quality and timely decisions related to recruitment and employment. Services are provided on a cost-recovery basis. They include:

- establishing an ISAC where the MPC forms a selection committee for an APS agency

- recruitment services (for example, providing independent panel members to assist APS agencies and other entities in convening selection panels)
- workplace investigations and merits reviews of workplace decisions for non-APS entities.

We continue to see an increase in APS agencies seeking to use our employer services. This year, we provided chairpersons, independent panel members and support to agencies to conduct 13 recruitment panels.

Feedback from agencies that have used our employer recruitment services has been overwhelmingly positive, noting the:

- level of expertise on the application of merit
- willingness to take on tasks
- ability to write comprehensive selection reports
- ability to drive the process to keep to timeframes.

Review of involuntary retirement decisions for AFP employees

AFP employees employed under the Australian Federal Police Act can apply to the MPC for a review of a decision by the AFP Commissioner to retire the employee due to physical or mental incapacity. When making these types of retirement decisions, the consent of the AFP employee is not required.

AFP officers and civilian staff members are entitled to a review, but senior executive AFP employees are not.

The MPC has not received an application for review of an AFP retirement decision under this function.

Part 4: Education, engagement and accountability



Engagement

Engaging with our stakeholders is critical to our vision of improving services to achieve effective and productive workplaces in the APS.

We continue to strengthen our commitment to our engagement work in accordance with our communications strategy, where we set out to:

- raise awareness of the entitlement to seek a review.
- educate the APS on the role of the MPC.
- assist APS agencies to continuously improve their practice.

Our stakeholder engagement activities this year are outlined throughout this section.

Stakeholder meetings

Throughout the year, we meet with representatives from agencies that have contact with the MPC. These meetings are an opportunity to provide feedback, identify emerging trends in review outcomes and discuss significant, complex or sensitive issues.

We gave presentations and engaged in forums for both employer and employee stakeholders this year. These activities included:

- 11 presentations at the APSC SES orientation training sessions on the Review of Actions scheme and the role of SES officers in supporting their staff to access their entitlements
- 10 meetings between the MPC and agencies to discuss complex matters, emerging trends and observations on their employment-related decision-making
- 15 other presentations, workshops and webinars, including for the Review of Actions and Code of Conduct Community of Practice.

The MPC is a member of the government's Integrity Agencies Group, chaired by the APS Commissioner. This group serves to ensure that integrity is at the centre of APS work and that the APS approach to integrity is integrated and transparent. The group met twice during the year.

Review of Actions and Code of Conduct Community of Practice

The MPC continues to support the Review of Actions and Code of Conduct Community of Practice. Our purpose is to raise the quality of reviews and Code of Conduct decisions in the APS and build a network of practitioners who can share information and experiences in a supportive environment.

The community of practice is governed by a steering committee. Our role is to provide secretariat support and advice. This involves maintaining the membership list, providing support to agencies where possible, and leading the planning for future meetings.

Membership continues to grow and now sits at around 300 members. Meetings are held quarterly and cover topics of interest to the community. Feedback from our members is consistently positive. The topics and attendance are in Table 19.

Table 25: Community of practice sessions (2025–26)

Presentation topics	Host	Attendance
Drafting Effective Allegations (August 2025)	MPC	202
How to conduct a Review of Action (November 2025)	MPC	190
Guide to good decision making (March 2026)	MPC	206
Addressing underperformance (June 2026)	MPC	164

Feedback

We believe that feedback is critical to improve our service delivery and ensure we meet our obligations as a responsive and effective regulator. Given the nature of merits reviews, the MPC does not seek feedback on the outcome of a review; we focus on the process and how the applicant felt they were treated. We ask for feedback on the quality of our communication, particularly on review scope, clarity of our reasons for decisions, and timeliness.

We send a confidential survey, which can be completed online, to all applicants whose matters are subject to a completed review.

Accountability

The APSC is included in the Department of the Prime Minister and Cabinet's portfolio budget statements. The APS Commissioner is responsible for the APSC's financial and human resources and for assessing the level of its achievement against its outcome.

The MPC has managerial responsibility for the work of the APSC employees who are made available to assist the MPC in exercising its functions.

Business continuity plan

We have a business continuity plan, prepared in accordance with the APSC's risk management and business continuity framework. The purpose is to:

- provide guidance for recovering critical business processes at the MPC in the event of a disruption
- define roles and responsibilities of key staff in relation to incident management
- define procedures to minimise the impact of disruptions on critical business functions or activities.

The plan covers disruption responses relating to the review of workplace and assessment decision processes in line with the MPC's statutory functions for the APS, the Parliamentary Service and the AFP.

We conduct a review of our business continuity plan annually at our strategic planning day.

Financial arrangements and corporate support

The MPC is neither a Commonwealth entity nor an accountable authority for the purposes of the *Public Governance, Performance and Accountability Act 2013*. Rather, the MPC is a statutory officer appointed by the Governor-General under section 52 of the Public Service Act. Section 49(2) of the Public Service Act requires that the staff necessary to assist the MPC must be persons engaged under that Act and be made available by the APS Commissioner. The MPC does not have a separate budget allocation and depends on the APSC for staffing and resources to undertake its functions.

The MPC and the APS Commissioner have a memorandum of understanding for the provision of staff and corporate services.

Freedom of information and privacy

This year we responded to 13 requests for information under the *Freedom of Information Act 1982* (FOI Act) namely, documents relating reviews of employment decisions.

We had no privacy breaches notified to the Office of the Australian Information Commissioner and received no privacy complaints in 2025–26.

Judicial reviews

On 17 June 2026, the MPC was named as the second respondent in an ADJR matter before the Federal Court of Australia. On 20 July 2026, the Federal Court made order by consent to remove the MPC as a party to the proceeding.

Information Publication Scheme

Our information publication plan is published on our website. We will conduct a review of our plan by the end of 2026 to make sure our information is accurate and up to date, and to confirm our compliance with the FOI Act.

Part 5: The year ahead



Our key priorities

Our key priorities are driven by the statutory functions we perform, and by challenges and trends facing the APS. They are to:

- uphold high standards of integrity and conduct within the APS through our Review of Actions scheme
- use our experience as an educational opportunity by making recommendations to improve processes or outcomes
- support agencies to build their capability and improve their processes, helping them to meet their obligations as an employer
- provide expert and impartial services to assist agencies to make high-quality and timely recruitment decisions and effectively manage misconduct allegations or workplace disputes.

We will continue our engagement strategy to:

- work collaboratively with agencies to strengthen the understanding and application of merit in recruitment through our own-motion audit function
- work with agencies to raise APS employees' awareness of their entitlements and see the benefits of the Review of Actions scheme
- build on membership of the Review of Actions and Code of Conduct Community of Practice and attendance at its sessions
- promote our employment services and support compliance with the merit principle by assisting APS agencies in conducting high-quality recruitment processes (for example, providing highly experienced recruitment panel convenors and members).

We will continue to evaluate our service delivery and foster a culture of continuous improvement through:

- using the potential of AI and a new case management system to improve the timeliness and effectiveness of our work
- building our workforce capability through continuous training and development opportunities
- continuing to receive and use applicant and agency feedback about our reviews of workplace decisions to inform our work.

Appendices



Appendix A: The MPC's statutory functions

Table A.1: Functions and statutory authorities

Function of the MPC	Statutory authority
Review of Actions scheme – Code of Conduct and other workplace decisions	***Public Service Act 1999*** Section 33 and subsection 50(1)(d) Subsection 50(1)(d) (provides for review functions to be prescribed by regulations) **Public Service Regulations 2023** Part 4, Divisions 1 and 3
Review of promotion decisions – pre-April scheme	***Public Service Act 1999*** Section 33 and subsection 50(1)(d) **Public Service Regulations 2023** Part 4, Divisions 1 and 2
Review agency determinations that a former employee breached the Code of Conduct for behaviour they engaged in while an employee	***Public Service Act 1999*** Section 33 and subsection 50(1)(d) **Public Service Regulations 2023** Part 6, Division 2
Review the actions of statutory office holders, other than agency heads, that relate to an employee's APS employment	***Public Service Act 1999*** Section 33 and subsection 50(1)(d) **Public Service Regulations 2023** Part 6, Division 2
Inquire into:	
• a public interest disclosure alleging a breach of the Code of Conduct	***Public Service Act 1999*** Subsection 50(1)(a) Subsection 50(2) **Public Service Regulations 2023** Part 6, Division 1
• the Australian Public Service Commissioner for an alleged breach of the Code of Conduct	***Public Service Act 1999*** Subsection 50(1)(b)
• an APS action as requested by the Public Service Minister	***Public Service Act 1999*** Subsection 50(1)(c) and subsection 50(2)
• whether a current or former APS employee has breached the Code of Conduct	***Public Service Act 1999*** Subsection 50(1)(ca) and section 50A **Public Service Regulations 2023** Part 6, Division 3
Investigate complaints by former employees relating to entitlements on separation	***Public Service Act 1999*** Subsection 50(1)(e) ***Public Service Regulations 2023*** Part 6, Division 2
Establish an independent selection advisory committee	Public Service Regulations 2023 Part 6, Division 2

Function of the MPC	Statutory authority
Provide recruitment and employment-related services to a (non-APS) person or body on a fee-for-service basis	***Public Service Act 1999*** Subsections 50(1)(e) and subsection 50(3) **Public Service Regulations 2023** Part 6, Division 2
Review the decision of the AFP Commissioner to compulsorily retire AFP employees on invalidity grounds	***Australian Federal Police Act 1979*** Sections 32 and 33 **Australian Federal Police Regulations 2018**

Appendix B: Data tables for statutory functions

This appendix provides information on the activity and performance of the statutory functions of the MPC. Information on our functions is on our website: www.mpc.gov.au.

Review of workplace decisions and complaints

Table B.1: Review and complaints workload (2025–26)

Type	Code of Conduct	Workplace decisions	Promotion reviews (complaints)	Own motion audit	Final entitlement complaints	Totals
On hand at start of year	20	12	-	-	-	32
Received during the period	109	199	65	4	15	392
Total cases	**129**	**211**	**65**	**4**	**15**	**424**
Reviewed	68	36	7	2	1	114
Facilitated resolution	-	-	-	-	-	-
Not accepted	29	155	58	0	13	255
Lapsed or withdrawn	16	8	0	0	1	25
Total finalised during period	**113**	**199**	**65**	**2**	**15**	**394**
On hand at end of the year	16	12	0	2	0	30

Table B.2: Timeliness in handling reviews and complaints, 2025–26 compared with 2024–25

	2024–25		2025–26	
Review type	**Average time to complete reviews (weeks)**	**Completed within target timeframes (%)**	**Average time to complete reviews (weeks)**	**Completed within target timeframes (%)**
Code of Conduct	10	93	10	92
Former employees – Code of Conduct	10	66	12	75
Workplace decisions	9	98	10	89
Complaints about final entitlements	4	100	5	100

.

Table B.3: Subject matter of Code of Conduct reviews completed (2025–26)

Subject matter	Percentage	Number
Section 13(3) Respect and Courtesy	25%	39
Section 13(11) Values and Integrity & Reputation of Agency & APS	21%	33
Section 13(2) Care and Diligence	12%	19
Section 13(8) Use Commonwealth Resources Proper Manner & Purpose	10%	16
Section 13(1) Honesty and Integrity	9%	14
Section 13(5) Fail to Follow a Direction	8%	13
section 13(10) Not Use Inside Information	4%	7
Section 13(7) Avoid Real or Apparent Conflict of Interest	4%	6
Section 13(9) Not Provide False or Misleading Information	3%	5
Section 15(2A)(a) Pre-engagement Provide False & Misleading Information	1%	2
Section 13(4) Not Comply with the Law	1%	2
Section 13(13) Conduct Requirements in Regulations	1%	1
Section 15(2A)(c) Pre-engagement Fail to Behave with Honesty & Integrity	1%	1

Table B.4: Subject matter of reviewed cases (other than Code of Conduct) (2025–26)

Subject matter	Secondary subject matter	Number
Conditions of employment	Attendance, leave, salary other payments	17
Performance management	Rating, underperformance process	7
Duties	Suspensions, assignment or relocation of duties	6
Workplace environment and arrangements	Not satisfied with outcome of complaint, lawful directions	3
Total		**33**

Table B.5: Applications for reviews and complaints completed, by APS agency (2025–26)

Agency	Code of Conduct	Workplace decisions	Promotion reviews	Own motion	Complaints	Totals
Services Australia	22	38	6	1	5	72
Australian Taxation Office	6	19	27	0	0	52
Department of Defence	14	25	6	0	0	45
Department of Home Affairs	4	22	8	1	0	35
Department of Agriculture, Fisheries and Home Affairs	12	10	2	0	1	25
Department of Veterans' Affairs	4	10	2	0	1	15
Other agencies (54)	47	74	16	2	8	147
Total						**391***

*We received one application from a non-APS agency

Pre-April 2025 promotion review scheme

Table B.6: Status of promotion review committee cases (2025–26)

Promotion review cases	Totals
On hand at start of year	6
Created during the period	27
Total caseload	**33**
Reviewed by promotion review committee	22
Invalid (for example, applicant not an ongoing APS employee)	5
Lapsed (for example, a protective application where no unsuccessful application received) or withdrawn	4
Total finalised during period	**31**
On hand at end of year	2
Target completion time (weeks)	8 or 12
Number completed within target time	31
Percentage completed within target time	100%

Table B.7: Promotion review (pre-April 2025 scheme) caseload, by agency (2025–26)

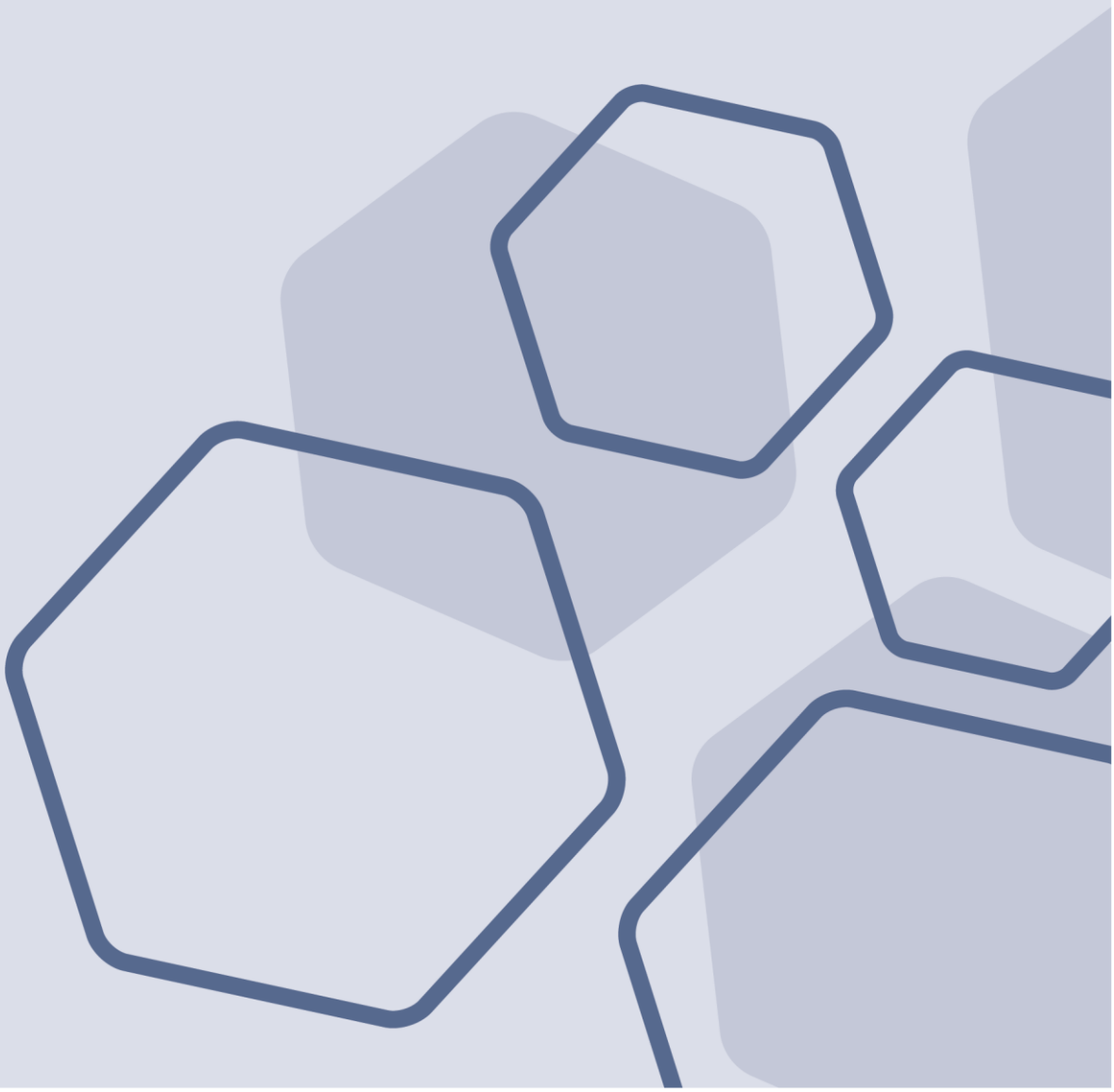
Agency	Services Australia	Australian Taxation Office	Department of Home Affairs	Other	Totals
Applications received	147	78	26	16	**267**
Promotion review cases registered (not including cases on hand at start of year)	19	4	2	1	**27**
Number of promotion review committees formed and finalised cases reviewed	16	5	1	0	**22**
Parties to a promotion review process where a promotion review committee was formed and finalised	104	63	5	0	**172**
Promotion decisions subject to review	76	58	4	0	**138**
Promotion decisions set aside	8	0	1	0	**9**

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Aids to access



Glossary of abbreviations and acronyms

Acronym	Full term
ACT	Australian Capital Territory
AFP	Australian Federal Police
AI	Artificial Intelligence
ANAO	Australian National Audit Office
ANU	Australian National University
APS	Australian Public Service
APSC	Australian Public Service Commission also referred to as the 'Commission'
APSED	Australian Public Service Employment Database
ARTA	Administrative Review Tribunal
ATO	Australian Taxation Office
ATSIC	Aboriginal and Torres Strait Islander Commission
CAGEN	APS Cross Agency Gender Equity Network
CALD	Culturally and Linguistically Diverse
COO	Chief Operating Officer
CO2-e	Carbon Dioxide Equivalent
CPR	Commonwealth Procurement Rules
EL1	Executive Level 1
EL2	Executive Level 2
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
ERP	Emissions Reduction Plan
EY	Ernst & Young
FCPHR	Fellow Certified Practitioner in Human Resources
FOI	Freedom of Information
FOI Act	*Freedom of Information Act 1982*
GAICD	Graduate of the Australian Institute of Company Directors
GST	Goods and Services Tax
HR	Human Resources
ICT	Information and Communications Technology
ISAC	Independent Selection Advisory Committee
IT	Information Technology
JRPP	Jurisdictional Renewable Power Percentage
kWh	Kilowatt hour

Acronym	Full term
L&D	Learning and Development
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and other diverse identities
LiCBT	Low-intensity Cognitive Behavioural Therapy
MPC	Merit Protection Commissioner
NAIDOC	National Aborigines and Islanders Day Observance Committee
NDIS	National Disability Insurance Scheme
NSW	New South Wales
NT	Northern Territory
OAIC	Office of the Australian Information Commissioner
PGPA Act	*Public Governance, Performance and Accountability Act 2013*
PGPA Rule	*Public Governance, Performance and Accountability Rule 2014*
PID	Public Interest Disclosure
PRIDE	An internal APSC Employee network representing LGBTIQ+ staff
PSM	Public Service Medal
Qld	Queensland
RAP	Reconciliation Action Plan
RET	Renewable Energy Target
RPP	Renewable Power Percentage
SA	South Australia
SCF	Strategic Commissioning Framework
SES	Senior Executive Service
SES100	Initiative to achieve 100 First Nations SES employees
SME	Small and Medium Enterprise
Tas	Tasmania
Vic	Victoria
WA	Western Australia
WBS	Women's Budget Statement
WHS	Work Health and Safety
WHS Act	*Work Health and Safety Act 2011*

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List of requirements

PGPA Rule Reference	Part of Report	Description	Requirement
17AD(g)	**Letter of transmittal**		
17AI	Letter of transmittal	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
17AD(h)	**Aids to access**		
17AJ(a)	Contents	Table of contents (print only).	Mandatory
17AJ(b)	Index	Alphabetical index (print only).	Mandatory
17AJ(c)	Abbreviations and acronyms	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	List of requirements	List of requirements.	Mandatory
17AJ(e)	Inside cover	Details of contact officer.	Mandatory
17AJ(f)	Inside cover	Entity's website address.	Mandatory
17AJ(g)	Inside cover	Electronic address of report.	Mandatory
17AD(a)	**Review by accountable authority**		
17AD(a)	Commissioner's Foreword	A review by the accountable authority of the entity.	Mandatory
17AD(b)	**Overview of the entity**		
17AE(1)(a)(i)	Role and functions	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Organisational structure	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Outcomes and programs	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	Purpose	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	Accountable authority	Name of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(ii)	Accountable authority	Position title of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(iii)	Accountable authority	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AE(1)(b)	Portfolio	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory
17AE(2)	Not applicable	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory
17AD(c)	**Report on the Performance of the entity**		
	Annual performance statements		
17AD(c)(i); 16F	Annual performance statements	Annual performance statements in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
17AD(c)(ii)	**Report on Financial Performance**		
17AF(1)(a)	Financial management	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Resources and payments	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	Not applicable.	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory.
17AD(d)	**Management and Accountability**		
	Corporate Governance		
17AG(2)(a)	Fraud	Information on compliance with section 10 (fraud and corruption systems)	Mandatory
17AG(2)(b)(i)	Letter of transmittal	A certification by accountable authority that fraud and corruption risk assessments have been conducted and fraud and corruption control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Letter of transmittal	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
		reporting fraud and corruption that meet the specific needs of the entity are in place.	
17AG(2)(b)(iii)	Letter of transmittal	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud and corruption relating to the entity.	Mandatory
17AG(2)(c)	Corporate governance	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	Significant non-compliance	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance.	If applicable, Mandatory
	Audit Committee		
17AG(2A)(a)	Audit and Risk Committee	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	Audit and Risk Committee	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	Audit and Risk Committee	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	Audit and Risk Committee	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	Audit and Risk Committee	The remuneration of each member of the entity's audit committee.	Mandatory
	External Scrutiny		
17AG(3)	External scrutiny	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)		Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	Not applicable	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	Not applicable	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
	Management of Human Resources		
17AG(4)(a)	Managing and developing employees	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	Employee statistics	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender; (d) statistics on staff location.	Mandatory
17AG(4)(b)	Employee statistics	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: • Statistics on staffing classification level; • Statistics on full-time employees; • Statistics on part-time employees; • Statistics on gender; • Statistics on staff location; • Statistics on employees who identify as Indigenous.	Mandatory
17AG(4)(c)	Workplace agreements	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the *Public Service Act 1999*.	Mandatory
17AG(4)(c)(i)	Workplace agreements	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	Workplace agreements	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Workplace agreements	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Not applicable Performance pay	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	Not applicable	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(4)(d)(iii)	Not applicable	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	Not applicable	Information on aggregate amount of performance payments.	If applicable, Mandatory
	Assets Management		
17AG(5)	Asset management	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory
	Purchasing		
17AG(6)	Purchasing	An assessment of entity performance against the *Commonwealth Procurement Rules*.	Mandatory
	Reportable consultancy contracts		
17AG(7)(a)	Consultancy and non-consultancy contract expenditure	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (GST inclusive); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (GST inclusive).	Mandatory
17AG(7)(b)	Consultancy and non-consultancy contract expenditure	A statement that "During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of $[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of $[specified million]."	Mandatory
17AG(7)(c)	Consultancy and non-consultancy contract expenditure	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory
17AG(7)(d)	Consultancy and non-consultancy contract expenditure	A statement that "Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website."	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
	Reportable non-consultancy contracts		
17AG(7A)(a)	Consultancy and non-consultancy contract expenditure	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (GST inclusive); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (GST inclusive).	Mandatory
17AG(7A)(b)	Consultancy and non-consultancy contract expenditure	A statement that "Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website."	Mandatory
17AD(daa)	**Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts**		
17AGA	Consultancy and non-consultancy contract expenditure	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
	Australian National Audit Office Access Clauses		
17AG(8)	Australian National Audit Office Access Clauses	If an entity entered into a contract with a value of more than $100 000 (GST inclusive) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory
	Exempt contracts		
17AG(9)	Exempt contracts	If an entity entered into a contract or there is a standing offer with a value greater than $10 000 (GST inclusive) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
	Small business		
17AG(10)(a)	Small business	A statement that "[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website."	Mandatory
17AG(10)(b)	Small business	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	Small business	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that "[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website."	If applicable, Mandatory
		Financial Statements	
17AD(e)	Financial statements	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
		Executive Remuneration	
17AD(da)	Executive remuneration	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	Mandatory
17AD(f)	**Other Mandatory Information**		
17AH(1)(a)(i)	Advertising and market research	If the entity conducted advertising campaigns, a statement that "During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website."	If applicable, Mandatory
17AH(1)(a)(ii)	Not applicable	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	Not applicable	A statement that "Information on grants awarded by [name of entity] during	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
		[reporting period] is available at [address of entity's website]."	
17AH(1)(c)	Disability reporting	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Freedom of information and privacy	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	Not applicable	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2)	Appendix A: Other mandatory reporting Appendix B: Gender Equality Reporting Merit Protection Commissioner Annual Report	Information required by other legislation	Mandatory

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