

# Consultation Paper: Proposed changes to the *Public Service Act 1999* and subordinate legislation

## Introduction

The Australian Government is expected to introduce a Public Service Amendment Bill to amend the *Public Service Act 1999* as part of its plan to reform the Australian Public Service (APS). These reforms are intended to help the APS better serve the Government, the Parliament, and the Australian community into the future. The purpose of this paper is to provide an overview of some of the elements expected to be included in the Bill, to inform ongoing public consultations.

Further detail on these elements will be published on [APS Reform – Have Your say](#) as part of this consultation process.

## Background

### APS reform

APS Reform is the Australian Government's plan to build a stronger public service. The Minister for the Public Service, Senator the Hon Katy Gallagher, outlined the Government's plan to create enduring APS reforms in a [speech to the Institute of Public Administration Australia](#) on 13 October 2022. This included a number of proposed changes to the *Public Service Act 1999*.

There are four priority areas that guide [APS Reform](#). These are to create an APS that:

1. embodies integrity in everything it does
2. puts people and business at the centre of policy and services
3. is a model employer
4. has the capability to do its job well

The APS Reform Agenda builds on the principles of the [Independent Review of the APS](#), led by Mr David Thodey AO. More than 11,000 individuals and organisations had their say as part of the Review in 2019. The Review called for a public service that is trusted, future-fit, responsive and agile. This way it can meet the changing needs of government and the community with professionalism and integrity for years to come.



## The *Public Service Act 1999*

The *Public Service Act 1999* is the principal Act governing the operation of the APS. The main objects of the Act are to: establish an efficient, effective, apolitical public service; provide for effective and fair APS employment, management and leadership; establish employee rights and obligations; and set out the powers of agency heads, the Australian Public Service Commissioner, and the Merit Protection Commissioner.

The Act is supported by subordinate legislation including the [Public Service Regulations 1999](#), [Public Service Classification Rules 2000](#), and [Australian Public Service Commissioner's Directions 2022](#).

## How to have your say

Public consultation opened on 3 May and will close on 31 May 2023 on [APS Reform – Have Your say](#).

Written submissions on the proposed changes are requested by 31 May 2023 through the [APS Reform website](#).

You may wish to provide us with feedback on whether you support the proposed elements, and include any additional comments or suggestions to consider in finalising the Public Service Amendment Bill, or to inform the implementation of legislated changes.



# Proposed updates to deliver enduring reforms to the APS

The Public Service Amendment Bill (the Bill) is expected to propose the following changes to the *Public Service Act 1999* (the PS Act) and subordinate legislation:

## Strengthen the core values and purpose of the APS

Introduce a new **APS Value of stewardship** highlighting the important and enduring role that all public servants have in stewarding the APS, and serving Government, the Parliament, and the Australian public, now and into the future.

[Consultation on Stewardship as an APS Value](#) closed on 28 April 2023. These consultations included over 1,500 responses from APS employees and members of the Australian public. These views will be used to inform the wording of the Bill.

A summary of key themes emerging from the consultation will be published on the [APS Reform website later this month](#).

Require the APS to have a clear and inspiring **APS purpose statement** that creates a unified vision and makes it clear what the APS aspires to. One that resonates with all public servants and the Australian community.

The wording of the purpose statement itself is not proposed to be legislated, with five yearly reviews to consider the changing views and expectations of Government, and the Australian community.

There are more than 170 separate purpose statements for individual agencies across the APS, which agencies report against in their annual reports. This is driven by the *Public Governance, Performance and Accountability Rule 2014*, which requires every corporate and non-corporate Commonwealth entity and corporation to outline its purpose in an annual corporate plan.

[The Independent Review of the APS \(recommendation 6\)](#) found that high-performing organisations around the world create a shared purpose and vision to align and lift organisational performance, and improve individual employee satisfaction. A requirement to have an APS purpose statement builds a sense of shared purpose, and helps the APS attract talent aligned to the core objectives and values of public service. It will provide a common vision through which to view problems, develop solutions and make difficult decisions.



Secretaries Board agreed an innovative approach to genuinely engage APS staff in developing an APS purpose statement at its [meeting of 8 March 2023](#). This includes a broad-based Deliberative Committee reflective of a diversity of backgrounds and lived experiences from across the APS. Public consultation on an APS purpose statement opened on 2 May 2023 along with an expression of interest for current APS employees seeking to participate in the Deliberative Committee.

## Build the capability and capacity of the APS

Require regular, independent and transparent **capability reviews** to build organisational capacity and accountability.

Reflecting recommendation 2a of the Independent Review of the APS, capability reviews are short, sharp and forward-looking and assess an agency's ability to meet future objectives and challenges.

Capability reviews aim to facilitate discussions around an agency's desired future state, highlight organisational capability gaps and identify opportunities to address them. They are an investment in long-term capability and an opportunity to focus on strengths and development areas in view of the anticipated future operating environment.

Three pilot capability reviews commenced in 2022 to inform an ongoing and permanent program of reviews. Each review is led by a Senior Review Team including an Independent Reviewer. More information about the capability review pilots can be found on the [Australian Public Service Commission website](#).

Require regular, evidence-based and public service-led **long-term insights briefings** on topics that matter to Australians.

[The Independent Review of the APS](#) found that the APS needs to strike a better balance between short-term responsiveness and investing in the deep expertise required to grapple with long-term strategic challenges. Using both data and experiences from Australians interacting with government, the APS can strengthen policy development and planning, providing Government with the advice it needs to address longer-term issues impacting Australian communities.

Insight briefings will bring together experts from the public service and include consultation with the Australian community, academia, industry and the not-for-profit sector on specific longer-term challenges to bring together evidence on an issue and support impartial policy analysis.

Secretaries Board considered the proposed model and potential theme for a pilot to commence in May at its [meeting on 8 March 2023](#).



## Create greater transparency

Require agencies to **publish aggregate results of their APS Employee Census**, along with an action plan that sets out the agency's response to the findings.

The [APS Employee Census](#) is an annual survey which is used to collect information about the attitudes and opinions of APS employees. Many agencies already publish their results on the APSC website — you can see 2022 APS Census results on the [Australian Public Service Commission website](#).

This requirement will foster a culture of transparency and accountability for continuous improvement within agencies, and improve the APS's position as a model employer that listens to and addresses the thoughts, concerns, and ideas of its employees.

### Other proposed changes

Opportunities are also being considered as part of this Bill to support decision-making to occur at the lowest appropriate level.