

Public Service ACT 1999

The Public Service Act 1999 contains many rights that are transferable between all the agencies covered by the Public Service Act 1999. This list is to demonstrate some of the rights but is not exhaustive as many rights exist in Australian Public Service Commission directions and PS Act Regulations.

The Act

Rights Framework

Section 3 outlines the framework for fair employment, management and leadership.

APS Code of Conduct and values

This sets out the code of behaviour for all public servants whether they are employees or managers. The code is enforceable through the Australian Public Service Commission and sanctions can be levied against any person employed under the Act, up to and including the agency head. So if a manager or an employee are acting contrary to the code they may be liable disciplinary action.

Whistleblowers

The Act provides protection for whistleblowers against victimization and discrimination.

Merit/Patronage

The Act also ensures that the merit principle applies in appointment to positions within the APS and as such people can not play favorites with employees in their organisations.

Types of employment

The Act specifies that the usual type of employment is ongoing and that the APS is a career based organisation. Further to this, it places specific limitations on the term (3 years) or a specific task. The practical example of this is a person who is engaged for an IT project would be non-ongoing. A person employed for maintaining an IT system must be ongoing as the work is of a permanent nature.

Mobility

The Act allows for an employee to move between other Public Service agencies without cashing out or losing entitlements.

Review of Actions

This right entitles any APS employee to have reviewed any matter related to his or her employment. The review can be conducted by the Public Service Commission and ultimately can be sent to the Minister. This allows management decisions effecting an individual employment to be questioned. This right would not exist in Tourism Australia.

Classification

The Act sets out rules for the treatment of employment classifications.

Termination/Retirement

The Act sets out the criteria for the types of reasons employment is terminated. The regulations outline the procedures for dealing with the respective types of termination. s29 (termination), 30 (retirement) give the legislative basis and formal authority to matters that are also covered in Certified agreements.