



# Additional questions about the new MPC promotion review model

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

## A review of a promotion

### Time frames

#### **When does the new Promotion Review model start?**

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

Information about how to seek a review of a promotion decision for a vacancy that was advertised before 1 April 2025 can be found at [how to apply](#).

### Transition period

#### **Does this mean there will be two ways to review a promotion decision running concurrently?**

Yes. For 18 months after the commencement date of 1 April (which is the length of time a merit pool or list can remain [active](#)) the MPC will be operating two separate functions. The latest possible date for a promotion decision to be reviewed under the old model will be September 2026.

### Applying for a review

#### **How will I know which type of review to apply for?**

If the promotion you are seeking to have reviewed was from a vacancy that was advertised prior to 1 April 2025 then you are required to apply for a promotion review under the existing rules. You can make an application [here](#). If you are not sure you can ask your Agency's recruitment team what date the vacancy was advertised.

For vacancies published after 1 April 2025 there will be a new application form which will be available on the MPC website.

#### **What will you need to apply for a review under the new model?**

An applicant must believe the recruitment and selection process was not merit-based.

An applicant must also provide, in writing, their reasons for why they think the selection process has not met the merit principle or the requirements in the Commissioner's Directions on what makes a

merit-based selection process. The APSC has guidance materials on good practice in recruitment in the APS.

An application must be made within 14 days from the date of the promotion notice in the Public Service Gazette.

### **Can the MPC decide to not accept an application for review under the new model?**

Yes. An application can be assessed as not eligible or an applicant may not be entitled to seek a review. As with the other types of review of employment decisions, the MPC may also decide an application for review is not justified or is misconceived.

No matter the reason for not accepting a review, the MPC will provide written reasons for the decision.

### **How many times can a selection process be reviewed?**

Once. The Regulations do not allow for numerous applications about the same selection process as this would be an ineffective use of MPC and Agency resources. The only exception to this rule is where an Agency continues to use a merit pool or list which the MPC has recommended should not be used. See the section on Outcome of a Review for further information.

## **Process of review of a promotion decision**

### **Who will be the reviewer?**

The reviewer will be an experienced APS employee selected by the MPC who has the necessary skills and personal qualities to perform the duties of an independent and impartial reviewer.

### **What can a MPC promotion reviewer look at?**

A review under the new Regulation will focus solely on whether the Agency's selection process has been merit based and meets the requirements of the APS Commissioners Directions. This is the key difference. The MPC will no longer review the comparative merits of individual applicants against the person who won a promotion. There will no longer be Promotion Review Committees established to make a new decision.

The reviewer will only be considering information that was available to the selection committee and decision maker and information that was known to the Agency. The Regulations prevent the reviewer from considering fresh information, as it is not relevant to the review of the selection process.

### **What is going to be the role of the recruiting Agency?**

Once the MPC notifies the Agency an application for review has been received, the promotion decision must be placed on hold. An application for review will not have any impact on a promotion decision that has already taken effect.

The Agency must provide the MPC with all the information or documents created during the selection process including details about the selection panel conflict of interest forms, the role description and advertisement, shortlisting documents, interview questions, referee reports and the selection report. In most cases, the individual applications and resumes of applicants will not be part of the review process.

### **What if the recruitment process is done by an external consultant?**

The MPC reviewer must be provided with all information or documents created during the recruitment and selection process. This includes information collected and held by a third party for recruitment undertaken on behalf of an Agency Head.

### **How long will the review of a promotion decision take?**

Guidelines on the time frames for completing a review will be published on the MPC website closer to the commencement date of 1 April 2025. The MPC will aim to complete a review as quickly and effectively as possible.

## **Outcome of a promotion review under the new model**

### **What happens at the conclusion of a review**

The MPC must prepare a written report of a review that includes one or more findings on whether the selection process met the requirements of the merit principle and the Commissioner's Directions.

### **What findings and recommendations can the MPC make?**

It will depend on whether the MPC has found the selection process to be merit based or not.

If the selection process is found to have met the requirements of the merit principle and the Commissioner's Directions, then the promotion decision can proceed, and the merit pool or list can be used for further appointments. The MPC may make a recommendation for improvement if it is appropriate.

If the MPC finds the selection process has not met the requirements of merit, however the MPC decides 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. The MPC must make a recommendation to the Agency on improvements.

If the MPC finds that the selection process has not met the requirements of the merit principle and the Commissioner's Directions, and that non-compliance was material to the outcome, the promotion decision is not able to proceed. This decision is binding on the Agency Head. The MPC must also recommend the selection process should not be used to fill any other vacancy and any merit pool or list should not be used on or after the day the report is given to the Agency Head.

### **Can the MPC re-make the promotion decision or merit pool or list?**

As noted above, where the MPC finds that a selection process has not met the merit principle and the requirements of the Commissioner's Directions, and the failure to meet those requirements was material to the outcome, then the MPC must decide the promotion cannot proceed. In these circumstances the MPC must recommend that any related merit pool or list should not be used to fill any other vacancy. If appropriate the MPC may recommend the Agency conduct a new selection process.

If the MPC decides it has sufficient information to be able to create a new pool or list or rank the candidates, it can make that recommendation to the Agency Head.

### **Who will inform the candidates if a pool or list can no longer be used to fill a vacancy?**

It is the role of the agency who conducted the selection process to inform candidates affected by the review of the promotion decision and selection process.

### **What about a promotion decision that has already taken effect?**

The MPC cannot not make a decision about a promotion that has already taken effect.

### **Will an applicant for a review be advised of the outcome**

The applicant for review will be informed, in writing, of the MPC's findings and recommendations in relation to their application. No personal information or details about an individual can be disclosed to the applicant.

## **Response to a review findings and recommendations**

### **Does an Agency Head have to accept an MPC recommendation**

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

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

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

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

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

If an Agency Head continues to use a merit pool or list that the MPC has determined was not merit based, the MPC may review any future engagement or promotion decision made from the merit pool or list.

## **MPC reporting requirements**

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