

4.4A Restrictions on engagement of redundancy benefit recipients as APS employees or locally engaged employees

- (1) In this clause, a person is a *redundancy benefit recipient* if:
 - (a) the person has received a redundancy benefit from an Agency or a non-APS Commonwealth employer; and
 - (b) less than 12 months has passed since the person's employment ceased.
- (2) An Agency Head may engage a redundancy benefit recipient as an APS employee, or under section 74 of the Act to perform duties overseas as an employee only if:
 - (a) the Agency Head considers that the engagement is essential for the Agency's operations, having regard to the nature of the duties to be performed and the skills, experience or qualifications of the person; and
 - (b) for the engagement of the person as mentioned in subclause (3) — the Agency Head obtains the Commissioner's approval before engaging the person; and
 - (c) for the engagement of the person as mentioned in subclause (4) — the Agency Head consults the Commissioner before engaging the person; and
 - (d) for the engagement of a redundancy benefit recipient as a non-ongoing APS employee, the engagement is for:
 - (i) a specified term in the circumstances mentioned in item 6 or 7 of the table in subregulation 3.5 (2) of the Regulations; or
 - (ii) duties that are irregular or intermittent.
- (3) For paragraph (2) (b), the engagement is:
 - (a) as an ongoing APS employee; or
 - (b) as a non-ongoing SES employee.
- (4) For paragraph (2) (c), the engagement is:
 - (a) as a non-ongoing APS employee (other than a non-ongoing SES employee):
 - (i) for a specified term in the circumstances mentioned in item 1, 2, 3, 4, 5 or 8 of the table in subregulation 3.5 (2) of the Regulations; or
 - (ii) for the duration of a specified task in the circumstances mentioned in subregulation 3.5 (3) of the Regulations; or
 - (iii) for a specified term, or for the duration of a specified task, in the circumstances mentioned in subregulation 3.5 (4), (5) or (6) of the Regulations; or
 - (b) engagement overseas to perform duties overseas as an employee under section 74 of the Act.