Recruitment in the
Australian Public Service

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Overview

## Purpose

Our people are our biggest asset in the Australian Public Service (APS) and recruiting new employees is a significant investment of time and effort. There is a high value placed on selecting the right person, for the right job, at the right time to build a stronger Public Service for the future. Critically, the APS serves a diverse and multicultural Australia, and a culture of inclusion is critical for the APS to achieve the benefits a diverse workplace can offer, including through inclusive recruitment. The APS has a responsibility to develop the capability and ensure the integrity of the public services now and into the future. Effective recruitment helps ensure candidate and agency expectations are aligned, leading to higher performing, diverse teams, increased team morale and increased overall productivity. A well planned recruitment process enables agencies to be better placed at selecting the best person for the job and their operational needs.

This guide provides information on the APS legislative framework that underpins all APS recruitment and provides guidance on how agencies can run recruitment processes that meet legislative requirements, whilst also using best practice to recruit employees in a highly competitive market. The guide also outlines how agencies can successfully manage the planning, attraction, selection and engagement phases of recruitment processes in the APS.

The guide has been prepared for Human Resources (HR) practitioners undertaking recruitment activities, however, it is also relevant for hiring managers, selection panel members and others involved in the recruitment and selection activities looking to further their understanding of recruitment practices in the APS.

Agencies may also have their own internal recruitment policies and procedures that outline how recruitment process will be undertaken in their agency, in the context of their agencies operating environment and workforce strategy. The guide should be used in conjunction with an agency’s internal recruitment and HR policies, and must be considered in line with recruitment policy and relevant legislation.

## Disclaimer

This guidance has been developed to support APS agencies in the application of best practice in successfully managing the planning, attraction, selection and engagement phases of recruitment processes. The Commission has endeavoured to ensure the accuracy of the material at the time of publication, and will update the document periodically. This information has been developed as general guidance and is not legal advice. Agencies may wish to consider obtaining legal advice before making a decision if they are uncertain of their obligations.

## Abbreviations and terminology

| **Abbreviation**  | Abbreviations spelt out or terminology detailed.  |
| --- | --- |
| **APS** | Australian Public Service |
| **Commission** | Australian Public Service Commission |
| **APS Commissioner** | Australian Public Service Commissioner |
| **the Directions** | *Australian Public Service Commissioner’s Directions 2022* |
| **Employment Principles** | APS Employment Principles set out in section 10A of the PS Act |
| **FW Act**  | *Fair Work Act 2009*  |
| **PS Gazette** | Public Service Gazette  |
| **Human Resources or HR** | A broad term used to refer to the area in an agency that manages functions such as recruitment, onboarding, payroll and workforce planning. |
| **Privacy Act** | *Privacy Act 1988* |
| **PS Act** | *Public Service Act 1999* |
| **PS Classification Rules** | *Public Service Classification Rules 2000* |
| **PS Regulations** | *Public Service Regulations 2023* |
| **SES** | Senior Executive Service |

APS recruitment foundations

# APS employment framework and the basis for recruitment requirements

The APS employment framework comprises the key legislation that underpins APS recruitment and employment.

The principal act governing the operation of the APS is the [*Public Service Act 1999*](https://www.legislation.gov.au/C2004A00538/latest/versions)(PS Act). The main objectives of the PS Act, outlined in Section 3, are to:

* establish an apolitical public service that is efficient and effective in serving the Government, the Parliament and the Australian public
* provide a legal framework for the effective and fair employment, management and leadership of APS employees
* define the powers, functions and responsibilities of Agency Heads, the Australian Public Service Commissioner (the APS Commissioner) and the [Merit Protection Commissioner](https://www.mpc.gov.au/about-us) (MPC) and
* establish the rights and obligations of APS employees.

The PS Act is supported by subordinate legislation and guidance which includes the [*Public Service Regulations 2023*](https://www.legislation.gov.au/F2023L00368/latest/versions)(PS Regulations), the [*Australian Public Service Commissioners Directions 2022*](https://www.legislation.gov.au/F2022L00088/latest/versions) (the Directions) and the [*Public Service Classification Rules 2000*](https://www.legislation.gov.au/F2005B01581/latest/versions) (PS Classification Rules).

### *Public Service Act 1999*

The PS Act is the overarching legislation that regulates the employment of federal public servants in Australia. The PS Act outlines the Employment Principles and the Merit Principle which are critical elements in recruitment processes.

### *Public Service Regulations 2023*

The PS Regulations provide further detail on the operation of the PS Act, including details on conditions of engagement, non-ongoing (temporary) employment arrangements, review of promotion decisions and the use and disclosure of personal information.

### *Australian Public Service Commissioner’s Directions 2022*

The Directions set standards that agency heads and APS employees must uphold to meet their obligations under the PS Act. The Directions provide detail on the application of the APS Values and APS Employment Principles, and provisions relating to recruitment and selection.

### *Public Service Classification Rules 2000*

The PS Classification Rules provide an APS wide approach to the classification of duties (roles) and employees in the APS.

### Related policies and guidance material

Agencies must also ensure recruitment activities are conducted in accordance with relevant requirements contained in other [legislation](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/aps-framework/legislative-framework-aps) and policies, including but not limited to the:

* [*Public Governance, Performance and Accountability Act 2013*](https://www.legislation.gov.au/Series/C2013A00123)
* [*Privacy Act 1988*](https://www.legislation.gov.au/Series/C2004A03712)
* [*Fair Work Act 2009*](https://www.legislation.gov.au/Series/C2009A00028)
* [*Work Health and Safety Act 2011*](https://www.legislation.gov.au/C2011A00137/latest/versions)
* [Equal employment opportunity legislation](https://humanrights.gov.au/our-work/employers/quick-guide-australian-discrimination-laws)
* [*Australian Public Service Enterprise Award 2015*](https://library.fairwork.gov.au/award/?krn=MA000124)
* [Australian Government Guidelines on Information and Advertising Campaigns](https://www.finance.gov.au/government/advertising/australian-government-guidelines-information-and-advertising-campaigns-non-corporate-commonwealth-entities)
* [Recruitment Advertising Policy](https://www.finance.gov.au/government/advertising/recruitment-advertising-policy-rmg-408)
* [*Disability Discrimination Act 1992*](https://www.legislation.gov.au/C2004A04426/2018-04-12/text)
* [Guidance on non-ongoing engagements](https://www.apsc.gov.au/resources/circulars-guidance-and-advice/guidance-non-ongoing-engagements-and-changes-fair-work-act-2009)
* [Handling Misconduct: A human resource manager's guide](https://www.apsc.gov.au/resources/circulars-guidance-and-advice/handling-misconduct-human-resource-managers-guide), and
* APSC Circulars.

### Summary

The APS employment framework plays an important role in APS recruitment by specifying:

* who has the power to employ
* the Employment Principles, which include the merit principle
* the elements of a merit-based recruitment process
* the types of employment arrangements that can be offered (ongoing, non-ongoing, irregular/intermittent (casual))
* review rights for candidates who are not successful in applying for promotion
* other employment matters, including specific conditions of engagement e.g. probation, and
* restrictions that apply to engagement of employees following receipt of redundancy benefits.

The APS employment framework sets out the minimum requirements agencies must meet when filling vacancies. Agencies are encouraged to build on the minimum requirements to design recruitment processes that are inclusive and aligned to their workforce inclusion goals, as well as broader APS diversity and inclusion workforce strategies.

Meeting requirements

How agencies choose to meet the requirements set out in the APS employment framework and other legislation and policy is at the discretion of the decision maker in the agency. Agencies have flexibility in choosing:

* additional platforms to use for advertising
* selection methods and composition of selection panels, including having policies on cultural capability and diversity in panels to meet workforce goals, and
* selection process timeframes

## APS Employment Principles

The Employment Principles are set out in section 10A of the PS Act and outline the standards for the APS as an employer. They provide for employment arrangements that are fair and transparent, and workplaces that are diverse, inclusive and safe. All recruitment activity should adhere to these principles.

The Employment Principles provide that the APS is a career-based public service that:

* makes fair employment decisions with a fair system of review
* recognises that the usual basis for engagement is as an ongoing APS employee
* makes decisions relating to engagement and promotion that are based on merit
* requires effective performance from each employee
* provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued
* provides workplaces that are free from discrimination, patronage and favouritism and
* recognises the diversity of the Australian community and fosters diversity in the workplace.

## APS merit principle

Merit is a fundamental principle of APS employment. Section 10A(1)(c) of the PS Act sets out the APS Employment Principles which require decisions relating to engagement and promotion to be based on merit.

In accordance with section 10A(2) of the PS Act, a decision to engage or promote a person is based on merit if:

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

### Merit-based selection process

Section 23 of the Directions outlines that an Agency Head upholds the APS Employment Principle 10A(1)(c) of the PS Act by making an engagement or promotion decision that is informed by a merit-based selection process. Section 24 of the Directions outlines that a merit-based selection process for engagement or promotion must include the following elements:

* 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 and
* the selection process is appropriately documented.

In determining the suitability of a candidate to be engaged or promoted, merit is the primary consideration. If the candidate is otherwise equal on merit with another candidate, secondary considerations may be taken into account if they relate to matters within the control of the candidate, for example willingness to relocate.

Subdivision B of the Directions sets out further requirements for merit-based recruitment, including:

* that the position is notified in the Public Service Gazette (PS Gazette) and
* for Senior Executive Service (SES) recruitment, that the Australian Public Service Commissioner (the APS Commissioner) or their representative is a full participant in the selection process.

# Diversity and inclusion in the APS

One of the Employment Principles in the PS Act is that the APS recognises the diversity of the Australian community and fosters diversity in the workplace. Meeting the challenges of the future will require a workforce that reflects the diversity of the Australian community. Workplaces that embrace a diverse and inclusive environment unlock new perspectives and ways of solving problems. Diverse workplaces generate creativity and innovation, and produce more sustainable and effective outcomes.

To uphold the APS’s commitment to supporting greater diversity, agencies have a responsibility to implement any relevant APS inclusion strategies. These strategies contain important information that relates to recruitment practices and workforce representation targets. The objectives and priority actions should be integrated into agencies workforce planning and strategic documents. At the time of publication, the following strategies are in effect:

* [Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020-2024](https://www.apsc.gov.au/publication/commonwealth-aboriginal-and-torres-strait-islander-workforce-strategy-2020-2024)
* [Australian Public Service Disability Employment Strategy 2020-25](https://www.apsc.gov.au/publication/australian-public-service-disability-employment-strategy-2020-25)
* [Australian Public Service Gender Equality Strategy 2021-26](https://www.apsc.gov.au/publication/australian-public-service-gender-equality-strategy-2021-26)
* [The APS Culturally and Linguistically Diverse Employment Strategy and Action Plan](https://www.apsc.gov.au/publication/aps-culturally-and-linguistically-diverse-employment-strategy-and-action-plan)

## Affirmative measures

Affirmative measure recruitment is a targeted measure designed to increase the diversity of the APS workforce to reflect the diversity of the Australian population. The Commissioner’s Directions include provisions that enable Agency Heads to open vacancies only for people from specific diversity groups including:

* people with disability, or to people with a particular type of disability, and/or
* Aboriginal and/or Torres Strait Islander peoples.

An affirmative measure can be applied to both ongoing and non-ongoing vacancies.

### Affirmative Measure – Disability Employment

Section 33 of the Directions enables an agency to open a vacancy so that only to people with disability, or a particular type of disability, are eligible to apply. Agencies can apply this measure to any ongoing, non-ongoing or casual APS vacancy, including SES positions. It can be used for individual vacancies as well as bulk recruitment rounds. Importantly, this measure is not restricted to jobs that require an understanding of issues affecting people with disability. Agencies must clearly articulate if a vacancy is being advertised as an Affirmative measure – Disability employment opportunity so that candidates wishing to apply can easily identify these vacancies.

Agencies wishing to use the Affirmative measure – Disability employment can find further guidance on the [Affirmative measure for recruiting people with disability: a guide for agencies](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability/affirmative-measure-recruiting-people-disability-guide-agencies) webpage, or request access to the Affirmative measure – Disability Hub on GovTEAMS.

#### Eligibility

The Commissioner’s Directions state that an agency head must be satisfied that candidates applying for an Affirmative measure - Disability vacancy meet the requirements for eligibility.

Candidates must provide evidence of their disability in order to demonstrate their eligibility to apply, however, agencies can determine at what stage of the process they ask candidates for this evidence, for example, at application stage, following shortlisting, or following interview.

#### Evidence of disability

Suitable evidence may include:

* a certificate or letter from a registered medical practitioner
* a letter from a Disability Employment Service or Workforce Australia provider
* a letter from a secondary or tertiary institution disability services unit in relation to a recent student or
* a candidate may wish to share details of their current approved NDIS plan. Please see the NDIS advice about sharing an approved plan. Note: an NDIS plan expiration date is not an indication of a short-term disability; funding arrangements are evaluated every 1-2 years regardless of the permanency of the disability

If these documents are not available, agencies may consider accepting a statutory declaration from the candidate.

Evidence of disability **does not require specific information** about the type of disability – unless the vacancy has been restricted to people with a particular type of disability.

### Affirmative measure – Aboriginal and Torres Strait Islander employment

Section 31 of the Directions allows agencies to open a vacancy so that only Aboriginal and Torres Strait Islander people are eligible to apply. Agencies can apply this measure to any ongoing, non-ongoing or casual APS vacancy, including SES positions. Importantly, this measure is not restricted to jobs that require an understanding of issues affecting Aboriginal and Torres Strait Islander peoples.

Agencies wishing to use the affirmative measure - Aboriginal and Torres Strait Islander employment can find further guidance on the [Affirmative measure for recruiting Aboriginal and Torres Strait Islander Australians: A Guide for agencies](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/aboriginal-and-torres-strait-islander-workforce/affirmative-measure-recruiting-aboriginal-and-torres-strait-islander-australians-guide-agencies) and the [Aboriginal and Torres Strait Islander Recruitment Guide](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/aboriginal-and-torres-strait-islander-workforce/aboriginal-and-torres-strait-islander-recruitment-guide) webpage or request to join the Affirmative measure – Aboriginal and Torres Strait Islander Recruitment Hub on [GovTEAMS](https://www.govteams.gov.au/).

#### Eligibility

The Commissioner’s Directions state that an agency head must be satisfied that candidates applying for an Affirmative measure – Aboriginal and Torres Strait Islander vacancy meet the requirements for eligibility.

Candidates must provide evidence of their Aboriginal and/or Torres Strait Islander heritage in order to demonstrate their eligibility to apply. Agencies can determine at what stage of the process they ask candidates for this evidence, for example: at application stage, following shortlisting, or following interview.

Agencies must ensure that candidates applying for an Affirmative measure - Aboriginal and Torres Strait Islander employment meet the requirements for applying:

* be of Aboriginal and/or Torres Strait Islander descent and
* identify as Aboriginal and/or Torres Strait Islander and
* be accepted by their community as being Aboriginal and/or Torres Strait Islander.

#### Evidence of Aboriginal and/or Torres Strait Islander heritage

Suitable evidence of Aboriginal or Torres Strait Islander heritage may include:

* a letter signed by the Chairperson of an incorporated Indigenous organisation confirming that the applicant is recognised as an Aboriginal and/or Torres Strait Islander person, or
* a confirmation of Aboriginal and/or Torres Strait Islander descent document executed by an Indigenous organisation.

If the above documents are not available, agencies may consider accepting a statutory declaration from the candidate.

### Affirmative measure – RecruitAbility

The RecruitAbility Scheme is an affirmative measure provision under section 32 of the Directions and aims to attract and recruit people with disability to the APS.

RecruitAbility can be applied to all vacancies across the APS, including SES roles. It enables panels to consider candidates with disability who may not have otherwise been considered. It is important that, when RecruitAbility is applied, it is clear to candidates and the panel what work related qualities are genuinely required to perform the relevant duties of the role.

#### Eligibility

People with disability who apply to a vacancy that has been advertised under the RecruitAbility Scheme are advanced to a further stage in the recruitment selection process if they meet the below criteria:

* opt into the scheme
* declare they have disability
* have the work-related qualities required to perform the relevant duties of the vacancy and
* meet eligibility requirements (e.g. qualifications), if any.

To avoid doubt, the RecruitAbility scheme does not:

* require candidate/s who apply under the RecruitAbility Scheme to be the successful candidate/s and/or
* limit the fairness of the selection process. Upholding the merit principle remains the key consideration for the selection process, and the basis for APS employee engagement and promotion.

Agencies should note that RecruitAbility cannot be applied to an Affirmative measure – Disability vacancy. Because Affirmative measure – Disability roles are, by definition, only open to candidates with a disability, applying the RecruitAbility scheme does not benefit these processes. Agencies wishing to use the RecruitAbility scheme can find further guidance on the [RecruitAbility scheme: A Guide for agencies](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability/recruitability/recruitability-scheme-guide-agencies) webpage.

## Identified positions

An Identified position is different to an affirmative measure in that position vacancies are **open to everyone**. An identified position is a role that includes developing policies or programs for Aboriginal and Torres Strait Islander peoples, or direct interaction with Aboriginal and/or Torres Strait Islander communities. Identified positions require candidates to have an understanding of the issues affecting Aboriginal and Torres Strait Islander peoples and demonstrated culturally appropriate engagement and communication skills.

Two key selection criteria are usually used to make sure candidates have the required capabilities for an Identified position. These criteria are not prescribed in legislation, however as best practice we encourage agencies to use this criteria in considering candidates for such positions.

Agencies are encouraged to use criteria which includes:

* a knowledge and understanding of the issues affecting Aboriginal and Torres Strait Islander peoples and
* a demonstrated ability to communicate sensitively and effectively with Aboriginal and Torres Strait Islander peoples.

Identified positions are important in ensuring that the APS has the right people working on initiatives to improve the delivery of services to Aboriginal and Torres Strait Islander peoples.

## Recruitment processes using an Affirmative measure provision

### Stand-alone recruitment process

Where agencies are applying an affirmative measure to a role, it is generally recommended that agencies use a stand-alone recruitment process. The benefits of advertising a vacancy only under an Affirmative measure are:

* there is a single assessment process and a single merit list or pool
* it shows an ongoing commitment from the agency to improving employment opportunities for diverse candidates

Agencies may also wish to consider the risk that eligible affirmative measure candidates may not want to apply through the affirmative measure round due to concern about being perceived as less competitive than their general round counterparts. However, if affirmative measure rounds are used effectively and are transparent, these candidate concerns may be alleviated.

### Concurrent recruitment processes

A concurrent recruitment process is one where affirmative measures processes are run simultaneously with general processes. There may be circumstances, such as bulk recruitment rounds, where there are multiple vacancies and agencies choose to notify some vacancies as being open to all candidates and others as open only to Aboriginal and/or Torres Strait Islander candidates or only people with disability under an affirmative measure.

Before making the decision to run a concurrent process, it is recommended that the hiring manager and delegate agree on the number of vacancies that will be allocated to candidates applying under an affirmative measure, and make every effort to fill these vacancies with suitable candidates from that merit pool or merit list. An effective affirmative measure round can attract and identify great talent.

Running concurrent recruitment processes can be complex. Agencies should be particularly mindful of ensuring that the cohort for each vacancy is assessed separately and not compared to other cohorts. Selection panels may need additional support and guidance to manage this requirement. It is recommended that agencies carefully manage this when drafting their vacancy notifications and look at including additional guidance in the information packs to help also guide the candidates during the process. This will ensure that agencies are being seen as an employer of choice for diverse candidates and not adding barriers when applying for roles in the APS.

Candidates should have the opportunity to clearly select which process or processes that they wish to be considered for and when the assessment occurs, each cohort (e.g. affirmative measure – Aboriginal and Torres Strait Islander / affirmative measure – Disability / general round) should be assessed separately. This does not mean that a candidate needs to be interviewed, for example, three times but it does mean that the assessment process should allow for the candidate to be assessed discretely within each cohort for which they have applied and are eligible.

Using a concurrent recruitment processes to fill an affirmative measure vacancy

***Scenario:***An agency has six positions available, the agency wants to fill two of the positions using the Affirmative measure – disability, two using the Affirmative measure – Aboriginal and Torres Strait Islander, and two using a general round. The agency is running three separately notified vacancies on APSJobs.

The agency must:

* ensure that candidates for the Affirmative measure vacancies are assessed in isolation from the other vacancies;
* ensure that eligible candidates are able to apply to all three vacancies (for example, a candidate may be a First Nations person with disability).

The agency should include additional guidance in the candidate information packs to assist candidates during the process.

## Adjustments

An adjustment (also referred to as a ‘reasonable adjustment’), is a modification to a work process, practice, procedure or setting to reduce barriers to participation. Adjustments are aimed at promoting equity in employment opportunities and allow candidates to compete on an equitable basis. Adjustments may be requested by any candidate, not just candidates who declare a disability. For example, adjustments may support someone with specific cultural obligations or who is a carer or parent.

Adjustments can take any form of assistance that is necessary, possible and reasonable to reduce or eliminate barriers throughout the attraction and recruitment process. Agencies are encouraged to take a proactive approach to advising candidates that adjustments can be accommodated. Focusing on what needs to be assessed, rather than how it is to be assessed, can help agencies consider what adjustments can be reasonably made to enable candidates to demonstrate the work related qualities required for the role and participate in the recruitment activity, while still applying the process fairly to all candidates. In considering what adjustments are necessary, agencies should be guided by the candidates’ request.

When undertaking a recruitment activity, agencies should:

* ask all candidates, not just those who have declared a disability, whether they require any adjustments to participate in the recruitment process
* consider whether the requested adjustments can be accommodated
* consider that different adjustments might be required over different phases of the recruitments process, and that more than one adjustment might be necessary for the same candidate
* if the requested adjustments can’t be accommodated, consider available alternative adjustments that will eliminate or reduce barriers to participation
* ensure candidates are advised whether the requested adjustments can be accommodated, and
* document the decision making process in the selection report.

Agencies should assume that where an adjustment has been requested by a candidate, that it is necessary to enable equitable participation. However, there may be times where a requested adjustment cannot be accommodated. This could be, for example, because making the adjustment would impose an unjustifiable hardship on the agency, or would disproportionately impact on the fairness of the process.

Examples of adjustments include, but are not limited to:

* receiving a written copy of interview questions during the interview, in addition to being asked the questions verbally
* providing additional time to review and/or answer interview questions
* extra time to complete a written exercise
* conducting an interview virtually
* facilitating interpreters or other assistance during an assessment process.

Adjustments are personalised and should be tailored to meet the candidate’s requirements and circumstances. The candidate will understand their abilities, what barriers they have, and the adjustments they require. The assessment of candidates in a selection process is about identifying work related qualities and capabilities. Where adjustments can occur to allow a candidate the opportunity to best demonstrate these, the best outcomes for the process can be achieved.

Agencies are encouraged to develop their own guidance and policies around the application of adjustments. Agencies should consider both the agency and APS-wide benefits to using inclusive recruitment practices and factor this into the decision making process about adjustments.

# Senior Executive Service recruitment

This section provides details on the process for preparing and filling an SES vacancy as there are additional legislative requirements for SES recruitment.

The role of the SES is to provide APS wide ethical and strategic leadership of the highest quality that contributes to an effective and cohesive APS.

The APS needs a strong talent pool of SES employees who exemplify leadership behaviours as set out in the APS Values and the Secretaries Charter of Leadership Behaviours and with broad and readily transferable skills in order to deploy staff flexibly in response to government priorities. To achieve this, it’s important for agencies to effectively manage SES talent, including recruitment activities to attract and retain the required qualities, skills and breadth of experience.

Transparent, merit-based recruitment is essential to ensuring confidence in the integrity of SES selection decisions.

## Legislative requirements for SES Recruitment

When filling SES vacancies, APS agencies have obligations under the PS Act, the PS Regulations, and the Directions.

As mentioned earlier in this guide, merit is a fundamental principle of APS employment. All employment decisions, including SES vacancies, must comply with section 10A of the PS Act, which requires that all engagements and promotions are based on merit.

Subdivision B of the Directions sets out further requirements for merit-based recruitment, including:

* that the position is notified in the PS Gazette and
* for SES recruitment, that the APS Commissioner or their representative is a full participant in the selection process.

## APS Commissioner’s participation

The APS Commissioner’s role in SES recruitment is to ensure that the process is consistent with the requirements of the PS Act and the Directions, ensuring employment decisions are consistent with merit. While all panel members have a responsibility to uphold merit, the APS Commissioner has additional responsibility to scrutinise and certify the process. The APS Commissioner also ensures employment decisions:

* take into account the wider skills and capabilities expected of SES employees across the whole of the APS including those that will be needed by the APS in the future and
* are aligned to the [SES Performance Leadership Framework](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/senior-executive-service-ses/ses-performance)which requires that behaviours are considered equally with outcomes.

The APS Commissioner must be invited to participate on all SES recruitment processes.

Where the APS Commissioner is unable to participate in an SES recruitment process, they will be represented by an APS Commissioner’s Representative. The APS Commissioner’s Representative is an independent and impartial selection committee member. In addition to the requirements outlined above, their role is to foster greater collaboration and partnership across the APS, to position the APS to operate as one enterprise, working towards the same objectives.

The APS Commissioner’s Representative must:

* be an APS employee
* be a substantive classification above the SES vacancy
* be from a different portfolio to the agency that is filling the SES vacancy and
* contribute to gender diversity of the panel.

## Notifying intent to advertise

APS agencies must notify the APS Commission of their intent to advertise all SES vacancies and where possible, it is best practice for agencies to notify the Commission at least one month before advertising.

Advance notice of an upcoming selection process provides an opportunity for consultation with Chairs of the Secretaries and Deputy Secretaries Talent Council.

Agencies should complete the [SES Recruitment form](https://www.apsc.gov.au/sites/default/files/2023-09/Senior%20Executive%20Service%20Recruitment%20Form_0.docx)and return to the Employment Policy team via employmentpolicy@apsc.gov.au.

The SES Recruitment form requires agencies to propose an eligible APS Commissioner’s Representative who will be asked to participate in the selection process where a representative of the Commission is unavailable.

Where an agency is recruiting for an SES role that requires experience aligned with an [APS Profession](https://www.apsc.gov.au/initiatives-and-programs/aps-professional-streams), agencies must include a specialist panellist as a member of their selection committee composition.

Agencies recruiting for an SES role that requires experience aligned with an APS profession can contact the specialist streams for further information:

* **HR:** APSHRProfessionalStream@ato.gov.au
* **Digital:** digitalprofession@apsc.gov.au
* **Data:** data.profession@abs.gov.au
* **Finance**: [farmexec@finance.gov.au](https://www.apsc.gov.au/working-aps/information-aps-employment/senior-executive-service-ses/farmexec%40finance.gov.au)

At the conclusion of an SES selection process, agencies are required to send the Commission:

* the [Commissioner’s Representative certification](https://www.apsc.gov.au/sites/default/files/2023-09/SES%20Selection%20Certification%20APS%20Commissioner%E2%80%99s%20Representative.docx) (where the APS Commissioner did not participate in the process)
* notification of the[SES Selection Notification of Outcome Form](https://www.apsc.gov.au/sites/default/files/2023-10/SES%20Selection%20Notification%20of%20Outcome%20form%20-%20Updated%2012%20OctV2.docx), which will include the merit list or pool and
* selection reports for Band 3 vacancies.

The APS Commissioner or a representative of the APS Commissioner is a full participate in the selection process. If a representative of the APS Commissioner participated in the selection process, the representative must certify that the selection process complied with the PS Act and the Directions by completing the[SES Selection Certification.](https://www.apsc.gov.au/sites/default/files/2023-09/SES%20Selection%20Certification%20APS%20Commissioner%E2%80%99s%20Representative.docx)

All documents must be sent to the Employment Policy Team via employmentpolicy@apsc.gov.au. If there are any changes to an approved panel please notify the Employment Policy team.

Agencies seeking further information on SES Recruitment can find further guidance on the [SES Recruitment](https://www.apsc.gov.au/working-aps/information-aps-employment/senior-executive-service-ses/senior-executive-service-ses-recruitment) webpage.

APS Recruitment Process

When preparing to fill a vacancy, there are a number of steps that agencies should consider. Outside of the legislative requirements, agencies have flexibility on how they conduct their recruitment process. This section of the guide will support agencies by providing additional guidance across the four phases of a recruitment process.

Effective APS recruitment should include four key phases:

* Plan and define
* Attract
* Select
* Engage

# Plan and define

Identifying suitable candidates who meet the needs of the agency, within an efficient timeframe, requires careful planning. Planning is a critical phase in the recruitment process as it can help agencies to manage time constraints and streamline the recruitment process for both the candidate and the agency.

Effective recruitment planning focusses on how to best attract, select and engage suitable candidates. Consideration should be given to:

* identifying clear recruitment objectives
* connecting recruitment activity to broader agency workforce planning, including developing an understanding of the current labour market
* understanding what makes the APS, your agency, team or the role appeal to prospective employees
* identifying which selection activities will identify the most suitable candidate/s
* managing any factors that may impact recruitment timelines (for example, determining the composition and availability of a selection panel) and
* effective candidate care during the recruitment and onboarding process.

## Workforce planning and recruitment

To assist in identifying organisational business needs, and to gain insights regarding skills and capability gaps, agencies should consult their internal workforce plan or workforce planning team (where available). Agencies may also refer to the [APS Workforce Strategy](https://www.apsc.gov.au/initiatives-and-programs/aps-workforce-strategy-2025) for further guidance.

Projecting future workforce demands based on agency strategic and operational business requirements is essential. It assists to ensure resourcing needs are met and will identify skills and capability gaps, and provide key insights regarding the future direction of the workforce. A workforce plan may also provide insight into how a recruitment process aligns with business needs, and whether consideration needs to be given to other strategic recruitment initiatives within an agency. Workforce planning may also provide labour market insights to support recruitment and attraction strategies.

If your agency has workforce planning practices in place, it is important for the recruitment team to stay connected to the planning processes of the agency. Workforce planning can inform relevant pieces of work and assist in understanding critical roles needed within the agency. Critical roles are typically identified as part of the agency’s workforce planning processes and can assist with determining which critical capabilities would be required to ensure business continuity.

In situations where an agency does not have a workforce plan, consideration should be given to the broader organisational capability requirements and the organisation’s general approach to recruitment.

Agencies should familiarise themselves with:

* the [APS Workforce Planning Guide](https://www.apsc.gov.au/sites/default/files/2023-04/APS%20Centre%20of%20Excellence%20-%20Workforce%20Planning%20Guide%20-%20Accessibility.pdf) which provides agencies with key principles of evidence-based, business linked, agile and flexible workforce planning guidance within the APS
* the [APS Strategic Commissioning Framework,](https://www.apsc.gov.au/initiatives-and-programs/workforce-information/aps-strategic-commissioning-framework) which is part of the Government’s commitment to reduce inappropriate outsourcing, strengthen the capability of the APS, and ensure core work in undertaken by APS employees, and
* [APS diversity and inclusion strategies](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/diversity-and-inclusion-strategies), which represent comprehensive plans and targets to ensure the APS better represents the diversity of the Australian community. These strategies should be incorporated into an agency’s broader workforce plan where possible.

Agencies should consider streamlining management layers, ensuring appropriate spans of supervision, and adopting best practice ways of working to reduce hierarchy and improve decision making. Agencies can find further guidance on the [Optimal Management Structures.](https://www.apsc.gov.au/sites/default/files/2021-04/2014%20Optimal%20Management%20Structure%20Guidance.pdf)

## Role analysis

Role analysis is the systematic examination of the purpose, responsibilities and scope of a role in supporting the agency’s business and strategic objectives. A role analysis is the first step in determining the necessary and desirable work-related skills, capabilities, knowledge and experience required for a role.

It is considered best practice to undertake a role analysis for all new and existing roles prior to commencing the selection process. Agencies are highly encouraged to complete this step as a role analysis provides an opportunity to consider the responsibilities of the role, and the skills and experience required to undertake the duties. Role analysis can also contribute to ensuring the job advertisement accurately portrays the role and work-related qualities required to potential candidates.

When the requirements of the role are clearly defined, it is easier to identify what specific information agencies need from candidates and why it is needed. This is important because it helps to avoid seeking unnecessary and potentially unlawful discriminatory information from candidates during the application or interview stage.

As part of the broader role analysis and design process, agencies should also consider:

* that the inherent requirements of the job relate to what needs to be accomplished rather than how the job is accomplished, to ensure meaningful conversations about adjustments can occur
* whether the role design is aligned to good work design principles (see, for example [About good work design | Comcare](https://www.comcare.gov.au/safe-healthy-work/healthy-workplace/good-work-design/about-good-work-design))
* how requests for flexible working arrangements may be supported in the role, and
* cultural capability, particularly how this relates to safe policy and program design, and client facing services.

### Conducting a role analysis

When conducting a role analysis agencies should draw on a range of information about the role and how this role links in with the overarching strategic objectives of the agency. Each role analysis will be unique, however the following steps are a suggested best practice for a successful role analysis.

1. Consider the team’s current and future operational needs
	1. Take into consideration the operational needs and the overall strategic workforce plan, existing skills and capabilities within the team and any gaps and how this role would fit into the team (refer to the Workforce Planning section on page 17).
	2. Consider if this role should be filled or whether it first needs a re-design to reflect future business requirements of the agency.
2. Review existing role descriptions
	1. Review any existing role descriptions or other similar role descriptions from the team to gain an understanding of the work-related skills and capabilities needed to undertake the duties of the role. Additionally, review to reflect any future skills that could be required to support future operational needs.
3. Speak with key stakeholders
	1. Speak to key stakeholders who understand the objectives of the position (such as managers, SES leaders, other team members and/or other people in similar roles).
4. Identify the key responsibilities and accountabilities of the role
	1. Understand what the agency uses to define the work that needs to be performed in this role and the functions that the successful candidate will be accountable for?
5. Identify the capabilities required to succeed in the role
	1. Once agencies have their research, they need to develop a list of the capabilities
6. Consider the classification of the role
	1. Agencies should consider the roles work value, to help determine the appropriate classification.
	2. Agencies must use the [APS Work Level Standards for the APS Level and Executive Level (EL)](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/work-level-standards-aps-level-and-executive-level-classifications) classifications and the [SES Work Level Standards,](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/classifications/work-level-standards-senior-executive-service) which have been developed to provide a consistent platform for classifying roles across the APS.
7. Define the work-related qualities required for success in the role.
	1. Work related qualities can include (but are not limited to) skills and capabilities, qualifications, and cultural competency.

### Role description

The main output of a role analysis is a role description. A role description clearly states the essential duties and responsibilities of the role. As best practice, agencies should develop role descriptions that assist and inform candidates about the role.

A role description should:

* accurately reflect the duties and responsibilities of the role
* be clear, concise (avoid using jargon) and accessible (agencies might consider running the text through a readability tool to ensure it is accessible to the majority of candidates).
* align with the work level standards for the classification level and
* provide all relevant details about the role, including any essential requirements such as a driver’s licence or a qualification.

Having a well-defined role description helps ensure:

* the agency can attract the right mix of skills and capabilities
* candidates understand the role requirements and can demonstrate their suitability throughout the recruitment process and
* the work-related qualities genuinely required to perform the role are clearly articulated.

## Conditions of engagement

A condition of engagement is a requirement that a prospective employee must meet prior to being engaged, or within a specified timeframe following engagement. Once the role analysis and role description are completed, it will give the agency a better idea of what is expected of the role and what conditions of engagement may be appropriate. It is important to communicate any required conditions of engagement early in the recruitment process. For example, this could occur within the advertisement and/or candidate information pack to ensure candidates are clear on requirements and can factor this in to their decision to apply. When determining whether to impose a condition of engagement, agencies should consider the relevance of the condition of engagement to the duties of the vacancy and the operating environment of the agency.

Conditions of engagement cannot be imposed or varied after engagement into the APS. Section 22(6) of the PS Act provides that the engagement of an APS employee may be subject to conditions of engagement as notified to the employee. The five conditions of engagement specified in the PS Act are:

* probation
* citizenship
* formal qualifications
* security and character clearances and
* health clearances.

These conditions are discussed in more detail in the *Applying conditions of engagement* section of this guide. An agency may also impose additional conditions of engagement, if relevant to the role or operating environment. However, agencies should also be mindful that where a position is advertised as requiring an essential or mandatory qualification, candidates who do not hold that qualification cannot be found suitable for the role. Agencies should carefully consider whether a qualification (such as a specific degree, or years of experience in a field) are mandatory or simply desirable for success in the role.

## Assessment criteria

The information that agencies obtain from undertaking the workforce planning and role analysis steps should be used to develop the assessment criteria and methods. This is an important step in the planning stage as it will support agencies in identifying the appropriate assessment for the vacancy they are planning to fill.

Assessment criteria should represent the key personal qualities, skills, abilities, knowledge and qualifications (if any) that are required to perform a role effectively and achieve outcomes related to the role. Assessment criteria enables selection panels to evaluate and compare candidate suitability for a role. From the assessment criteria, agencies generally summarise what the candidate should demonstrate in their application (commonly referred to as ‘selection criteria’) to be competitive for the role.

Selection panels should consider what selection tools will best enable candidates to demonstrate their suitability against the assessment criteria, including diverse or underrepresented candidates. For example, there are many roles where an interview would not give a selection panel a sense of the candidate’s suitability for the role. Over reliance on this type of assessment could create barriers for those of diverse backgrounds. How the criteria will be assessed should be considered early in the planning process, both for internal planning purposes, and also to ensure information about the selection process is readily available to candidates.

Remember

The purpose of a selection process is to assist the selection panel to gather information to make an informed decision about who can perform the role. Approaching assessments as an opportunity for candidates to demonstrate their suitability, rather than a test, may help the panel learn the most about a candidate’s suitability for the job.

More information on commonly used selection tools can be found in the *Select* section of this guide.

## Determining how to fill the vacancy

During the planning phase, agencies should determine how they wish to fill the vacancy to meet their operational needs. This includes considering what type of engagement should be made, how many current and future vacancies exist, and the type of recruitment process that will be used to fill the vacancy or vacancies. Agencies are encouraged to consider drawing from existing merit lists or pools prior to advertising a new vacancy. There are a range of options available for agencies and the previous steps in the *Plan and define* phase will assist agencies choose the most suitable recruitment approach.

To assist, agencies should ask the following questions:

* Is it an ongoing or non-ongoing role?
* Do existing employees have the capability, knowledge and experience to fill the role?
* Do existing employees have development potential to build their capability in the role?
* Can an existing employee be redeployed to the role?
* Are there gaps in the capability, knowledge or experience of the workforce for the role?
* Are we filling a large number of vacancies or establishing a merit pool or list?
* Is there a need to fill a role quickly to meet a short-term need?
* Can we utilise an existing merit list or merit pool?

Agencies may consider external recruitment, as outlined within this guide (for example, advertising a vacancy publicly via APSJobs and/or another platform), or may consider mobility options (for example, offering an opportunity to people already employed under the PS Act).

Further information regarding mobility in the APS can be found at Appendix 3.

### Types of engagement

The type of selection process used by an agency will influence who applies for the role, as well as the type of selection decision that may be made following the process. Agencies should choose a selection process that suits their requirements for the immediate vacancy as well as potential future needs.

* **Merit-based processes:** An ongoing vacancy, a promotion, or non-ongoing vacancy where the initial period is estimated to be 12 months or more requires a competitive selection process that meets the requirements of merit.
* **Modified merit processes:** A non-ongoing vacancy where the initial period is estimated to be less than 12 months must, as far as practicable, be brought to the attention of the community. As a minimum requirement, the decision maker must be satisfied that the candidate being engaged has the work-related qualities genuinely required to perform the duties of the role.

The PS Act provides that the usual basis for employment in the APS is as an ongoing employee. Agencies are encouraged to consider this in their planning about how work is organised and how vacancies are filled. However, there may be circumstances where a non-ongoing engagement is more suitable for the vacancy.

#### Ongoing or non-ongoing vacancies of 12 months or more

Selecting a suitable candidate is an important employment decision, which is made after a competitive selection process has taken place. The requirements of a merit- based process are drawn from both the PS Act and the Directions.

The APS Employment Principles provide that a decision is based on merit if:

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

Section 24 of the Directions outlines that a merit-based selection process for engagement or promotion includes the following elements:

* 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.

In deciding the suitability of a candidate to be engaged or promoted, merit is the primary consideration.

An employee engaged through a merit based process for a non-ongoing role can be engaged for up to two years, or up to three years if an exception under the FW Act applies.

Further information and guidance can be found on the [Guidance on non-ongoing engagements and changes to the FW Act](https://www.apsc.gov.au/sites/default/files/2023-11/Guidance%20on%20non-ongoing%20engagements%20and%20changes%20to%20the%20FW%20Act_0.docx) webpage. Non-ongoing employees must also be provided with a Fixed Term Contract Information Statement, available from the Fair Work Ombudsman, either before or as soon as practicable after the contract is entered into.

#### Non-ongoing vacancies and/or intermittent (casual) duties

The usual basis for employment in the APS is as an ongoing employee.

However, there may be circumstances where an individual is engaged on a non-ongoing or casual basis for:

* a specified term
* the duration of a specified task or
* irregular or intermittent (casual) duties.

#### Specified term or specified task

Non-ongoing vacancies where a merit-based process has not been undertaken can be filled for an initial employment period of 12 months or less (which may be extended up to a total period of 18 months)

This means that whilst a full merit process is not undertaken, the vacancy has, as far as practicable, been brought to the notice of the community in a way that gives eligible members of the community a reasonable opportunity to apply. This could include, for example, advertising the vacancy on jobs boards, agency website and social media. Agencies may also consider using temporary employment registers (including those held by recruitment firms) to notify the community of short-term vacancies.

In addition to this requirement, as a minimum, the person to be engaged must also have the work-related qualities genuinely required to perform the relevant duties.

‘Work-related qualities’ include the following:

* the person’s skills and abilities
* the person’s qualifications, training and competencies
* the person’s standard of work performance
* the person’s capacity to produce outcomes by effective performance at the level required
* the person’s relevant personal qualities, such as honesty and integrity
* the person’s potential for further development
* the person’s ability to contribute to team performance.

#### Irregular or intermittent duties

An employee may be engaged for duties that are irregular or intermittent (commonly referred to as casual employment) using either a merit based, or modified merit process. An employee whose duties are irregular or intermittent is remunerated on an hourly basis, including payment of a casual loading.

Agencies must be mindful of provisions in the FW Act regarding casual employment. This could include, but is not limited to, being mindful that casual employees genuinely meet the definition of casual. Where an agency intends for an employee to be engaged on an irregular and intermittent basis, this should be communicated clearly at the time of engagement and in accordance with the definition of casual employment as per the FW Act. For example, agencies must provide such employees with employee information statements such as the Casual Employment Information Statement before, or as soon as possible after the employee commences. Casual employees are not restricted to the engagement limits that apply to non-ongoing engagements under the FW Act. Further information is available from the [Fair Work Ombudsman’s website.](https://www.fairwork.gov.au/starting-employment/types-of-employees/casual-employees#:~:text=Specifically%2C%20under%20the%20Fair%20Work,commitment%20and%20become%20an%20employee.)

## Bulk recruitment

Bulk recruitment is a single recruitment process that is used to fill multiple vacancies. Bulk recruitment processes are an efficient option when multiple vacancies exist or to establish a merit pool or list for future vacancies (see page 30 for more information on merit pools).

When undertaking bulk recruitment, agencies should consider the similarity of the roles that are being advertised. Vacancies that meet the definition of ‘similar vacancy’ outlined in section 9 of the Directions can be assessed together and candidates placed in the same merit pool (for example, separate merit pools for ongoing and non-ongoing employment types, same classification or equivalent, similar work-related qualities and similar location).

However, for bulk recruitment processes that are advertising different types of roles (such as different classifications, location, employment status, eligibility or different work related qualities), separate comparative assessments of the candidates for each role must be undertaken and separate merit lists/pools formed. Even where the roles are advertised together, agencies need to be mindful and mitigate potential risks when advertising bulk recruitment to ensure that a merit-based employment decision is still being made. During bulk recruitment, it is important that agencies make it clear to candidates what classification, location, employment status and work-related qualities are expected of the role that the candidate is applying for.

For example, where an agency undertakes a bulk recruitment process covering multiple classifications, the agency should either require candidates to nominate which classifications they wish to be considered for, or consider all candidates as having applied for all levels.

Agencies also need to clearly inform candidates about how they should apply, and be assessed for each of the roles.

It is important to note that a selection panel cannot assess a candidate as being suitable for a different classification level if the candidate has not nominated to be considered for a role at that particular level.

## Candidate care

Candidate care begins at the commencement of a recruitment process and continues right through the recruitment process of selecting, engaging and onboarding stages. It involves keeping in touch with candidates throughout the selection process with the aim of keeping them informed and connected with the process.

When planning a recruitment process, HR and hiring managers should discuss how candidate care will be managed, including who will lead candidate care activities at all stages of the process. Some key considerations include:

* clearly articulating the role and how to apply
* advising candidates on what to expect in the recruitment process
* regularly keeping candidates informed of timeframes
* asking candidates if any adjustments are needed
* providing contact officer details for answers to questions about the role and the agency and
* considering how any resulting merit lists and pools will be managed by the agency.

Candidate care is always important, whether agencies offer candidates a role or not. Interactions with candidates leave an impression and could impact future interest in the agency. Agencies are encouraged to be transparent with candidates about what to expect during the recruitment process, and what it is like working in the agency.

# Attract

## Attracting the right candidate

Attracting a talented candidate with the required skills and experience can be difficult in a competitive market. It is important for agencies to consider how to pitch a role and promote a workplace that is attractive to candidates.

Agencies are encouraged to take a strategic approach to attraction. Consideration should be given to:

* Labour market – is competition high in this job category? What are the employment trends?
* Employee Value Proposition (EVP) – what are the most appealing elements of the role and the agency? In promoting opportunities available, agencies are encouraged to include links to the [APS EVP](https://content.apsjobs.gov.au/work-with-us) to support enterprise-wide efforts to raise the profile of the APS as an employer.
* Advertising platforms – which platforms will best connect you with your ideal candidates?
* Advertising accurately – how can you best reflect the role so it will attract the right candidates?
* Passive candidates – how can you best target candidates that are not actively seeking a new role?
* Diversity – how can you encourage applications from a diverse candidate pool? Consider collaborating with specific networks, targeting particular diversity cohorts, promoting your agency’s diversity and inclusion principles, partner with diversity and inclusion practitioners and/or service providers.
* Legislative and policy requirements – ensuring the approach to advertising meets the relevant requirements for the APS and the agency (that is, the merit principle).

In addition, agencies should be mindful of using inclusive language throughout the process, including in advertisements, job descriptions and candidate packs. Consideration should be given to:

* using plain English and avoiding bureaucratic jargon and acronyms
* ensuring documents would be understood by someone with no experience of the APS
* clearly outlining the recruitment processes, purposes and timeline
* providing examples of adjustments available throughout each stage of the process.
* making it clear what work related qualities are being sought for the role and how the candidate should respond in their application.

## Advertising considerations

Agencies should refer to the Directions and the Department of Finance *Recruitment Advertising Policy (RMG 408)* guidance prior to developing recruitment advertising.

The legislative requirements will depend on the type of vacancy. All vacancies for promotions, ongoing engagements or non-ongoing engagements for an initial period of 12 months must be advertised in the PS Gazette. The closing date for applications must be at least 7 days from the date the vacancy was advertised, unless there are special circumstances and the Agency Head has approved a shorter period. When considering a shorter period, the obligation to uphold merit continues, which includes that eligible members of the community are given a reasonable opportunity to apply for APS vacancies. However, agencies are encouraged to provide at least 14 days where possible.

Non-ongoing vacancies for a specified term or the duration of a specified task that are expected to last less than 12 months and irregular/intermittent (casual) vacancies do not need to be notified in the PS Gazette (although they can be). The Agency Head must ensure as far as practicable that such vacancies are brought to the notice of the community in a way that gives eligible members of the community a reasonable opportunity to apply. For example, a vacancy may be brought to the notice of the community by being advertised or access being provided to non-ongoing APS employment registers. This is referred to as a modified merit process.

Agencies may also wish to consider maximising the options available to them regardless of the type of vacancy. For example, an agency may opt for a merit-based process that complies with the gazettal advertising requirements for non-ongoing roles rather than a modified merit process to provide the agency with the maximum amount of flexibility in case it is necessary to extend the engagement. Further information on non-ongoing engagements is available at [Non-ongoing and irregular or intermittent employment](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/non-ongoing-and-irregular-or-intermittent-employment).

## External advertising

An agency can supplement an advertisement on APSJobs with additional advertising to attract more candidates or to target candidates with particular skills or formal qualifications. For example, this may be on the agency's website, in trade or professional publications, on other jobs websites or in other media. Agencies wishing to also advertise a vacancy in major newspapers must comply with the Department of Finance’s [Recruitment Advertising Policy](https://www.finance.gov.au/government/advertising/recruitment-advertising-policy-rmg-408).

All advertising should be undertaken concurrently to avoid confusion, but where this is not possible the external advertising must take place within 4 weeks before or after the Gazette notification. The closing date for all advertising must be the same. An agency cannot use any other form of advertising after this period without placing a new notification in the Gazette (on the APSJobs platform).

## Similar vacancy and merit lists

Agencies are encouraged to consider drawing from existing merit lists or pools prior to advertising a new vacancy. Drawing on existing processes can reduce duplication, increases efficiency, and can alleviate the need for candidates to apply for multiple, similar job roles. Agency HR users can search for available merit lists and pools through the APSJobs administration portal merit list sharing function. Existing merit pools and lists may be used to engage or promote candidates, where the new vacancy is a ‘similar vacancy’ to the vacancy originally advertised. The legislative definition of a similar vacancy can be found at section 9 of the Directions.

The definition of ‘similar vacancy’ should also be considered when planning to advertise a vacancy. Early consideration can ensure that any resulting merit list or pool meets the needs of the agency for filling future vacancies both within the agency and across the APS.

For further information and support about the APSJobs merit list sharing function, agencies can contact the APSJobs team via contact@apsjobs.gov.au.

# Select

## Roles and responsibilities in the selection process

### Agency Head (or Delegate)

The PS Act states that an Agency Head, on behalf of the Commonwealth, may engage persons as employees for the purposes of the Agency.

Agency Heads are responsible for ensuring the requirements of the legislation are upheld, such as ensuring that merit is upheld.

An Agency Head can delegate this power if they wish to. References to Agency Head include anyone to whom the relevant power has been delegated.

The Agency Head makes the decision about how their powers will be carried out across the agency, for example each agency will have agency specific delegations which are outlined in an agency’s HR and Financial delegations.

### Selection panel chair

The chair of the selection panel sits on the selection panel and is usually responsible for preparing/overseeing the official recommendation to the Agency Head to hire a candidate.

Depending on the size of the organisation, the chair will work with the agency’s HR team, to oversee the recruitment process. Ultimately, the chair’s role is to ensure that the most suitable candidate is selected and that the employment decision has been based on merit. Effective record keeping during the recruitment process is vital as it enables the Agency Head (or delegate) to be able to determine that the process was merit-based from the information provided in order to make their final decision.

### Selection panel member/s

Selection panel (also referred to as selection committee) member/s support the panel chair in assessing candidates. Selection panel member/s also have a duty of care to raise any concerns that they have regarding merit or bias in the selection process.

### Contact officer

Contact officers may provide additional information about the requirements of the role to potential candidates. They may or may not also be a panel member. Contact officers should be knowledgeable about the role to able to answer questions confidently to ensure the agency is well represented to prospective candidates.

Questions from candidates could include:

* salary/working conditions
* information about the role
* flexible working arrangements and agency and/or team culture
* timeframes for the process and
* clarification on any mandatory requirements or conditions of engagement.

Agencies are encouraged to include any additional details such as when/how to contact the contact officer in the job advertisement. The nominated contact officer should be available during the advertising period. If this is not possible, consider including contact details for the HR or recruitment team.

### Scribe

Some recruitment processes may include a scribe. The role of the scribe is to assist the recruitment panel by taking comprehensive notes during interviews and to capture the deliberations of the panel. A scribe does not contribute to the panel’s deliberations, but may provide support by drafting elements of the selection report and conducting referee checks. It’s important that the selection panel is comfortable that the scribe’s materials accurately reflect their deliberations. It’s best to check with your agency HR team on your agency’s arrangements in relation to scribes.

## Selection panel

Selection panels play an important part in the selection process. They ensure that recommendations regarding suitability of candidates are based on merit.

### Composition of a selection panel

 The APS employment framework is not prescriptive on the composition of a selection panel for non-SES recruitment processes, such as how many members or the minimum or maximum number of panel members should participate or their classification level. However, the Agency Head or delegate needs to be satisfied that the chosen panel members have the necessary skills and experience to assess each candidates’ suitability to perform the relevant duties in accordance with the legislative framework. This includes an ability to understand and apply the principles of merit.

In practice, this often means that an agency’s internal policy and practice requires panel members to be at level or a classification level above, to ensure they have a good understanding of the requirements and capabilities to perform successfully at the relevant classification. At a minimum, it is recommended that the Chair of the panel is an APS employee at a substantive level above the classification of the advertised position/s.

Agencies are encouraged to consider the importance of having a skilled and capable selection panel, and what benefits this can bring to a process. This could include ensuring:

* the panel is diverse, by considering gender balance and different backgrounds and experience, including cultural experience, or being a member of a minority group in the population
* panel members have undergone training, where it is available, in APS recruitment, cultural capability and unconscious bias
* an external perspective by including panel members from outside of the hiring area or agency
* where a process is advertised using an Affirmative Measure, that at least one panel member is of First Nations heritage or has lived experience of disability.

To enhance the timeliness of a recruitment process, selection panels should be formed as close to the advertising date as possible. This will give panel members an opportunity to have input into the approach/methods being chosen. To reduce the risk of candidates dropping out, timing for assessments and discussions can be scheduled at this point, so the process can be run efficiently.

To ensure a shared understanding, it is beneficial for selection panels to be briefed on the:

* nature of the role/s
* assessment criteria and work-related qualities being sought
* selection tools being used
* record-keeping requirements.

There are specific requirements relating to selection panels for SES vacancies. Further information can be found on the [SES Recruitment](https://www.apsc.gov.au/working-aps/information-aps-employment/senior-executive-service-ses/senior-executive-service-ses-recruitment) webpage.

## Conflicts of interest

Conflicts of interest cannot always be avoided, but when they arise, agencies must ensure that the details are documented promptly and appropriately. As far as possible, this should occur before shortlisting and assessment of candidates commences. For example, agencies can adopt processes where panels are provided with the names of the candidates (to check whether a conflict might exist) prior to providing the panel with the full details of the applications.

Conflicts to consider include:

* family or friendship relationships with a candidate
* family or friendship relationships between panel members
* current or previous working relationship with a candidate, and
* financial interests (relating to either a candidate or the outcome)

Where it is determined that a conflict of interest can be managed through mitigation, potential mitigation options can include ensuring:

* written referee comments are provided before accessing any applications if a panel member is a candidate’s referee
* a conflicted panel member does not assess a particular candidate
* candidates are placed with panel members they do not know if there is more than one interview panel
* all panel members and the delegate are aware of the relationship
* there are at least two other un-conflicted panel members who can make an assessment of the candidate and
* a conflicted delegate declares the conflict to a higher delegate and/or stands aside as a delegate to the process.

## Selection tools

Selection tools allow selection panels to evaluate candidates against the assessment criteria.

Agencies are encouraged to research what tools best align with their recruitment objectives. The selection tools chosen should provide a potential candidate with the opportunity to demonstrate their relevant skills and experience, and be appropriate for the complexity and seniority of the role.

Choosing selection tools

Agencies can use any selection tools that suit their operating environment and the nature of the role. This could include having one or multiple tools to support the selection decision. However, it is important to consider how particular tools may contain inbuilt biases or favour candidates from certain backgrounds. In choosing an appropriate selection tool, agencies should consider whether the tool is inclusive and culturally safe. For example, artificial intelligence enabled recruitment tools have the potential to increase recruitment efficiency and reduce transactional work. However, they also have the potential to result in discriminatory selection, owing to inbuilt bias stemming from limited data sets.

Agencies have flexibility in choosing whether they wish to use panel interviews for the purpose of their recruitment process or whether another selection tool may be more appropriate. The selection tools used during the recruitment process should be based on what work-related qualities are being assessed to fill the vacancy.

The selection process does not need to be identical for each candidate, however agencies need to ensure the selection process is applied fairly in relation to each eligible candidate. Differences in the processes applied to specific candidates must not impair an agency’s ability to make a comparative assessment of the work-related qualities for the role and candidates must have an equal opportunity to demonstrate their claims against the work-related qualities required for the role. It is necessary to show how different assessment methods have allowed the assessment panel to draw a comparison and assess the same criteria. The reasons for a decision must be clearly set out, documenting why the particular methods of assessment were used and how they provided an assessment of the work-related qualities for the role is important.

There are a number of different selection tools that agencies can consider when deciding the most effective way to assess candidates. These include, but are not limited to, the assessment tools listed in this section.

### Selection tool examples

#### Resume or CV

A resume or curriculum vitae provides a summary of a candidate’s experience, skills and education. Agencies should consider providing guidance to candidates on the desired length and content of resumes, to enable the panel to elicit the desired information.

#### Written pitch

A written pitch outlines the candidate’s claims against the selection criteria. Written pitches can be useful to assess a candidate’s written communication and how their skills, knowledge and experience apply to the role. However, agencies should be mindful of the influence and accessibility of generative artificial intelligence applications, and factor this into their decision making about the utility of a written pitch as an assessment.

#### Work sample test

A work sample test typically involves asking candidates to undertake an exercise that reflects the tasks or skills required for the advertised position, for example, researching a brief, completing calculations or analysing data.

#### Assessment centres

Assessment centres are dedicated spaces for completing assessment activities, and will typically include rotating through several behavioural tasks and/or group exercises. Assessment centres can be effective for increasing efficiency where there are large numbers of candidates to assess in particular locations. Agencies are encouraged to consider candidate care, and how an assessment centre process can be tailored to provide a supportive environment to candidates.

#### Interviews

While not mandatory, interviews are a commonly used recruitment tool. If used appropriately, interviews can be a valid predictor of future work performance. Behavioural-based interview questions are recommended.

#### Assessment platforms

Agencies may be assisted by electronic assessment tools such as aptitude tests or one-way video interviews. In considering whether a particular tool is appropriate to use, agencies should consider whether the tool is inclusive, has any in-built biases, as well as how data is treated and how candidate privacy is upheld.

#### Verbal presentation

Similar to a work sample test, candidates can be asked to prepare a short presentation on a particular theme or topic related to the role. This type of assessment can be effective for middle management and senior positions.

#### Psychometric testing

Psychometric testing can include cognitive, personality and behaviour based testing administered by a qualified professional.

#### Referee checks

Referee checks should always form part of a recruitment process. Referee checks provide a selection panel with the opportunity to seek clarification on matters discussed during assessment and validate claims put forward by the candidate, such as employment history, qualifications, experience and/or assessment of role suitability.

While there is no legislative requirement to conduct referee checks, they are one of the most commonly used assessment tools in the APS. Where an adverse referee report is received, the candidate should be given the opportunity to respond. If the candidate responds, the response should be considered by the selection panel or delegate and a record made of whether the response changes or confirms the assessment of the candidate and the reasons for that conclusion.  This record should be incorporated into the selection report.

### Secondary considerations

If an agency has multiple candidates that are equal on merit, secondary considerations may be taken into account.

Secondary considerations are matters within the control of the candidate. For example:

* the candidate’s ability to start by a particular date
* the candidate’s willingness to relocate, if office attendance is an operational requirement
* the candidate’s ability to meet other reasonable agency requirements.

### Recruitment providers

Where an external recruitment provider is used to manage the advertising, shortlisting or aspects of the assessment for an APS role, the APS selection panel remains responsible for oversight of the process and adherence to the APS Employment Principles. The decision maker should be confident that all aspects of the recruitment process have been conducted in accordance with the APS employment framework.

When considering whether it is appropriate to use a recruitment provider, particularly for Affirmative Measure vacancies, agencies should be satisfied that the chosen provider has appropriate cultural capability to effectively liaise with diverse candidates. It is important for agencies to be aware that recruitment companies cannot impose additional requirements or make changes to a process without obtaining prior approval from the agency, for example, requiring that candidates must have a security clearance.

### Merit lists and merit pools

A merit list or merit pool can be established when an agency undertakes a competitive selection process and is used to fill the original vacancy and similar vacancies.

Agencies can decide whether or not to create a merit list or pool from a selection process. The availability of merit lists and pools provides flexibility for the recruiting agency and other APS agencies to select candidates to fill future vacancies quickly, and reduces the need to undertake multiple recruitment processes. Candidates also benefit as they have an increased opportunity to be offered employment in the APS (within the 18 month term of the merit list or pool) without having to undergo another recruitment process. However, the creation of lists and pools that reach expiry with a large number of candidates remaining is an inefficient use of resources and may result in a negative candidate perception of APS recruitment.

Recruitment areas should consider evaluating agency recruitment outcomes. Where large numbers of candidates are consistently remaining on merit lists and pools, consider working with business areas to ensure merit lists and pools lists are appropriate for the number of anticipated vacancies.

#### Merit list versus merit pool

* A merit list is a list of candidates who have been assessed and ranked by relative suitability. Candidates can only be selected to fill a vacancy, or a similar vacancy, in the order they are ranked on the merit list.
* A merit pool is a group of candidates for a vacancy who have been assessed as being equally suitable to fill the vacancy. In determining which candidate to select from the merit pool, candidates may be selected in any order.

There may also be merit pools where candidates are grouped, for example, highly suitable or suitable. Where the candidates have been grouped, the offers of employment must be made to the candidates from the highest ranked group prior to offering to candidates from the subsequent groups.

When considering whether to create a merit list or a merit pool, agencies may consider factors such as the number of current and future roles to be filled, or whether the skills sought are in high or frequent demand within the agency and across the APS. For example, creating a merit pool may be beneficial when undertaking a bulk recruitment process due to the large number of candidates and the possible range of roles.

Merit lists and merit pools can be used to fill vacancies for 18 months from the date the original vacancy was advertised in the Gazette (APSJobs).

In managing merit lists and merit pools an agency should consider:

* including information about the intent (if known) to develop a merit list/pool within the vacancy notification and/or candidate pack
* asking candidates who are found suitable whether they wish to be placed in a merit list/pool and give permission for their details to be shared with other agencies
* removing candidates from the merit list/pool once they have accepted an offer (if known) or are no longer interested in the job role
* whether a merit list/pool is required and
* using the APSJobs administrator portal to search for available merit lists or pools

#### Sharing merit lists or merit pools

For all centrally coordinated entry-level vacancies (for example graduate positions), an agency must provide access to a current merit list or merit pool to another agency, if asked.

For all other vacancies, an agency may agree and are encouraged to provide another agency with access to a current merit list or merit pool, if the two agencies agree that the vacancies are similar and the candidates have agreed to have their details shared.

As a general principle, agencies are strongly encouraged to share merit lists and merit pools between agencies, as it supports efficient use of government resources.

Hiring managers should contact their HR team to find out if there are existing merit lists that can be used before initiating any new recruitment activity.

### Record keeping

It is important to create and keep documents in relation to selection processes and recruitment decisions. Proper record keeping ensures transparency and accountability of decision making. Further guidance on record-keeping and information management for agencies is available from the National Archives of Australia at [Information management | naa.gov.au](https://www.naa.gov.au/information-management). Agency record keeping practices should also comply with the *Privacy Act 1988*. More information is available from the Office of the Australian Information Commissioner at [Government agencies | OAIC](https://www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/government-agencies).

Examples of the types of records that agencies are encouraged to keep, but are not limited to, include:

* selection reports
* dissenting opinions of the panel and
* all referee checks, including documenting any referee checks that have been made verbally.

By ensuring that these records are kept, the panel can ensure that they are able to document and demonstrate that the recruitment process was merit-based, should there be for example, a review of the process.

# Engage

## Implementing employment decisions

Each employment decision made from filling a vacancy during the recruitment process requires certain actions to implement the recruitment decision. The table below illustrates the different actions that need to occur, depending on the employment decision that is taking place. In practice, there may be one instrument that enables these actions and decisions to be addressed and documented simultaneously, for example, a letter of offer that outlines duties, classification and conditions of engagement.

| Engagement | Promotion  | Movement at level |
| --- | --- | --- |
| An engagement is made under section 22 of the PS Act, which includes:* [assigning duties](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/assignment-duties-within-aps-agency) under section 25 of the PS Act
* allocating an approved classification in accordance with the [Public Service Classification Rules 2000](https://www.legislation.gov.au/Series/F2005B01581)– Rule 6.
* imposing [conditions of engagement](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/conditions-engagement) under section 22(6) of the PS Act
 | A [promotion](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/promotions) requires:* assigning duties under section 25 of the PS Act
* allocating an approved classification in accordance with [Public Service Classification Rules 2000](https://www.legislation.gov.au/Series/F2005B01581) – Rule 6.

Where the promotion is between agencies, it also requires movement between agencies under section 26 of the PS Act, supported by agreement *in writing* between the gaining agency and the employee. | Where a [movement at level](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/movement-between-aps-agencies#:~:text=transfers%20between%20agencies-,Movement%20between%20APS%20agencies%20at%20level,selection%20process%20based%20on%20merit.) (transfer) is inside an agency, it will require assigning duties under section 25 of the PS Act.Where a movement at level is between agencies, it also requires movement between agencies under section 26 of the PS Act, supported by agreement *in writing* between the gaining agency and the employee.Where the move is for a **temporary period,** it also requires the agreement of the original agency. |

## Letters of offer

Agencies should formalise the offer of employment with written documentation, generally referred to as a letter of offer. The letter of offer should contain information such as:

* Commencement date
* Salary
* Type of employment
* Conditions of engagement and conditions of employment, such as the completion of probation, or certifications
* Any other relevant obligations, including any policy or legislative expectations.

Agencies may also request that candidates return their letter of offer in a reasonable time period or by a certain date before commencement, for example, to ensure a promotion notification can be notified in the Gazette.

Agencies should be aware that they may be required to also provide the employee with information statements depending on the employment relationship and employment type. Information statements required under the FW Actare summarised on the [Fair Work Ombudsman’s website.](https://www.fairwork.gov.au/employment-conditions/information-statements)

## Applying conditions of engagement

### General

Section 22(6) of the PS Act provides that the engagement of an APS employee may be subject to conditions of engagement as notified to the employee. The five conditions of engagement specified in the PS Act are:

* probation
* citizenship
* formal qualifications
* security and character clearances and
* health clearances.

An agency may also impose additional conditions of engagement, if relevant to the role or operating environment.

Conditions of engagement can only be imposed at the time a prospective employee is engaged in the APS. They cannot be imposed or varied afterengagement.

To enable a prospective employee to make an informed decision about an offer of employment, conditions of engagement should be outlined in the letter of offer, including:

* Details of each condition and the evidence required.
* Where a condition is not met before engagement, a specified timeframe they have to meet the condition of engagement.
* Notification that employment can be terminated under section 29(3)(f) of the PS Act if the condition of engagement is not met.

### Australian citizenship

Section 22(8) of the PS Act provides that a person who is not an Australian citizen can be engaged in the APS if an Agency Head considers it appropriate to waive the citizenship requirement. The waiver may be temporary, with a corresponding condition of engagement requiring the individual to obtain citizenship within a specified timeframe or on an ongoing basis where the individual will not be required to gain citizenship.

Where citizenship is waived, the decision should be made before the decision to engage the individual. Agencies should consider the vacancy they are filling and operating environment of the agency to decide whether the agency will accept applications for non-citizens before running the recruitment process.

Where citizenship is imposed as a condition of engagement, agencies should ensure evidence of citizenship is collected as part of the onboarding process.

Where an Agency Head is considering waiving the requirement for citizenship on an ongoing basis, they are encouraged to undertake a risk assessment and consider whether any risk mitigations are required, such as imposing specific limitations or conditions of employment.

An individual who is not a citizen must be eligible to work in Australia and should confirm that they hold a valid work visa. This applies regardless of whether a related condition of engagement has been imposed or whether the individual was notified of such a requirement at the time of their engagement.

Where the citizenship requirement has been waived for a temporary visa holder, engagement should be on a non-ongoing basis and limited to the time available on the temporary visa.

### Probation

Section 44 of the Directions requires that an Agency Head engaging an APS employee other than an employee engaged for duties that are irregular or intermittent, must be engaged on probation. A waiver may apply where reasonable circumstances justify it. Agencies needing further information on probation as a conditions of engagement is available on the Commission’s [Probation](https://www.apsc.gov.au/working-aps/information-aps-employment/guidance-and-information-recruitment/probation)webpage.

A period of probation must be established as a condition of engagement, where the employee is being engaged into the APS (not promoted or moved where their employment type changes). Employees engaged on an irregular and intermittent basis are not required to be engaged subject to a probationary period.

Probation is an important part of the engagement phase of recruitment and selection. Not all selection decisions result in an outcome that is right for the employee or the employer. During probation, an agency can assess whether a person is suited to the APS, the agency and the role.

Agency Heads may waive probation only where they are satisfied there are reasonable circumstances to justify not engaging the employee on probation. However, agencies should only waive probation in limited circumstances, such as when an employee is engaged on a short term contract where the period of engagement is less than the probation period and it is not anticipated that the contract will be extended. However, if any employee is later extended or made ongoing, probation would not be able to be applied at the later date.

Probation enables agencies to assess whether a person is suited to the APS, the agency and the job. An effectively managed probation period supports APS capability by delivering a workforce that has the required skills and attributes to undertake their roles.

### Security clearances

A candidate may be required to obtain a security clearance as a condition of employment. An Agency Head can determine what level of security clearance is required, which should be consistent with the Australian Government Protective Security Policy Framework.

Where possible, a security clearance should be completed before an offer of employment is made; however, an agency may decide to engage a person subject to the person obtaining the necessary clearance within a specified period. Agency Heads may waive the citizenship or checkable background requirements for a security clearance if there is an exceptional business requirement and after conducting a risk assessment.

### Candidates who have received redundancy benefits

There are arrangements which limit the employment of people who have received a redundancy benefit from an APS agency. The circumstances where these arrangements apply are set out in section 66 of the Directions.

## Onboarding

### Pre-commencement checklist

Agencies will have processes in place regarding the engagement and onboarding of new employees.

Often agencies have a pre-commencement checklist that identifies the activities that must take place prior to a new employee commencing. The timeliness of these activities can influence an employee’s start date and will have an impact on their onboarding and induction experience.

An onboarding checklist often includes:

* commencing/transferring security clearances
* agency specific checks/requirements (for example, a police check)
* obtaining payroll and personnel information
* organising IT equipment
* arranging system access
* scheduling induction activities.

Agencies should also consider candidate care as an important aspect during the onboarding phase.

Consideration should be given to how the agency can connect the candidate during this time so the agency doesn’t lose the candidate to another offer. Some tips on candidate care include, but are not limited to:

* ensuring the candidate has a contact person in their new team to reach out to with any questions
* send the candidate information about the office location
* ensuring the candidate has a contact in their office location, if they are not co-located with their direct manager or team
* provide parking details or Public Transport options, if required
* providing contact details for diversity contact officers within the agency

These simple steps can help prevent agencies losing candidate to other employment offers.

### Reviews of promotion decisions

An ongoing APS or Parliamentary Service employee that has applied for a promotion may apply to the [Merit Protection Commissioner](https://www.mpc.gov.au/about-us) to have certain promotion decisions reviewed.

To be eligible to apply for a promotion review the employee must:

* be an ongoing APS or Parliamentary Service employee
* be employed at classification level 5 (or equivalent) or lower
* have applied for a promotion to a role at a higher classification, up to classification level 6 (or equivalent)
* the positon was advertised in the PS Gazette at APSJobs
* have applied for a role at the same location as the successful applicant.

The entitlement to seek a review does not apply to promotions to the Executive Level 1-2 or SES roles, however some promotions to the Executive Levels that contain serious defects, may be subject to [review of a workplace decision](https://www.mpc.gov.au/node/51).

The Merit Protection Commissioner’s role is to offer employees a fair and independent merit review of certain promotion and engagement decisions. The purpose of reviewing promotion decisions is to ensure the principles of merit are upheld.

### Cancelling employment decisions

Where a decision maker has the authority to engage, promote or move an employee under the PS Act, then the decision maker has the authority to revoke or vary the decision before it comes into effect. It is important to note an Agency Head does not have the power to unilaterally cancel an agreement to move an employee between agencies under section 26 of the PS Act, unless the agreement permits this.

Prior to making this decision agencies should consider the potential risks in cancelling an employment decision. Some risks may include:

* the mental and financial impact of the candidate
* the agencies reputation and
* ensuring that the agency checks the Letter of Offer template to ensure there is no breach of contract. Agencies are encouraged to seek further legal advice if they are unsure whether or not they have breached the contract.

### Candidate feedback

Agencies should consider outlining the process for candidates to seek feedback within the recruitment documentation including the candidate information pack. Agencies are strongly encouraged to provide feedback to candidates where it has been requested.

Good quality feedback is important to assist all candidates to understand why they have not progressed in a selection process and provides an opportunity for candidates to improve their chances of securing a job in the future. Providing constructive feedback can also positively influence an agency’s reputation, attraction and retention results. Feedback is particularly important for candidates who have opted into an Affirmative Measure vacancy, such as the RecruitAbility scheme. Agencies should consider how the candidate could have demonstrated the possessed the work related qualities required for the role, and consider providing suggestions and practical examples of how they can demonstrate this in future job applications.

It is important for agencies and panel members to note that candidates have a right to request their selection documents under the *Freedom of Information Act 1982*. Individuals may also seek access to personal information under the *Privacy Act 1988*. Agencies should include information on their website about how to make freedom of information requests to the agency. More information is available from the Office of the Australian Information Commissioner.

Appendix 1 – further information and resources

## Further information

APS employees seeking further advice about recruitment matters should contact their agency's HR area.

Guidance on APS employment legislation and policy matters is available on the Commission’s [website](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/citizenship-aps). HR practitioners and senior decision makers seeking further information or advice can contact the Employment Policy team via employmentpolicy@apsc.gov.au or call the advice line on (02) 6202 3857.

## Commission guidance – information on APS Employment

[Recruitment webpages published by the APSC](https://www.apsc.gov.au/working-aps/information-aps-employment)

[APS Employee Value Proposition | Australian Public Service Commission](https://www.apsc.gov.au/working-aps/joining-aps/aps-employee-value-proposition)

[APS Workforce Strategy](https://www.apsc.gov.au/initiatives-and-programs/aps-workforce-strategy-2025)

[Diversity and inclusion](https://www.apsc.gov.au/working-aps/diversity-and-inclusion)

[APS Professional Streams (professions)](https://www.apsc.gov.au/initiatives-and-programs/aps-professional-streams)

[APS Strategic Commissioning Framework](https://www.apsc.gov.au/publication/aps-strategic-commissioning-framework)

***Affirmative Measure Recruitment Hub*** - Any Commonwealth employee can request access to either of these Hubs by emailing diversity@apsc.gov.au

***Affirmative Measure Disability Recruitment Hub*** - Any Commonwealth employee can request access to either of these Hubs by emailing diversity@apsc.gov.au

## Other legislation and policy

[Australian Government Guidelines on Information and Advertising Campaigns by non-corporate Commonwealth entities | Department of Finance](https://www.finance.gov.au/government/advertising/australian-government-guidelines-information-and-advertising-campaigns-non-corporate-commonwealth-entities)

[Recruitment Advertising Policy (RMG 408) | Department of Finance](https://www.finance.gov.au/government/advertising/recruitment-advertising-policy-rmg-408)

## Other resources

[Merit Protection Commissioner (mpc.gov.au)](https://www.mpc.gov.au/)

[APSJobs - Gateway to the Australian Public Service](https://www.apsjobs.gov.au/s/) (Public Service Gazette)

[Information statements - Fair Work Ombudsman](https://www.fairwork.gov.au/employment-conditions/information-statements)

[About good work design | Comcare](https://www.comcare.gov.au/safe-healthy-work/healthy-workplace/good-work-design/about-good-work-design)

Appendix 2 – Frequently asked questions

## Topic index

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[Probation](#_Probation)

## Advertising and gazettal

### What type of vacancy needs to be notified in the PS Gazette?

Section 25 of the Directions sets out the provisions for the notification in the PS Gazette of vacancies that might result in an engagement or promotion.

All ongoing vacancies must be advertised in the PS Gazette in order to provide all eligible members of the community with the opportunity to apply.

### When can a vacancy be restricted to APS employees?

There are limited circumstances in which applications may be restricted. An Agency Head or their delegate may decide that, for reasons of cost or operational efficiency that a vacancy should be filled by a person who is already an APS employee. Please note that this does not apply to vacancies at the SES level or APS 1 and training classifications. Where an Agency Head decides a vacancy is only available to existing APS employees, at the time of the notification the employees eligible to apply are ongoing and non-ongoing APS and Parliamentary Services employees.

### If a vacancy is restricted to APS employees can it later be opened up to general applications?

If a vacancy is opened to the broader community the vacancy must be notified again in the PS Gazette as open to all eligible members of the community.

### What must the closing dates for vacancies published in the PS Gazette be?

A vacancy published in the PS Gazette must have a closing date of at least 7 calendar days after the notification, unless an Agency Head is satisfied there are special circumstances and approves a shorter period. When considering a shorter period, the obligation to uphold merit continues, which includes that eligible members of the community are given a reasonable opportunity to apply for APS vacancies. Agencies are encouraged to provide at least 14 days where possible.

### What are the requirements around external advertising?

All advertising should be undertaken concurrently, where possible, to avoid confusion. In circumstances where it is not possible, external advertising must take place within 4 weeks before or after the PS Gazette notification and must have the same closing date for applications as the PS Gazette notification.

An agency cannot use any other form of advertising after this period without placing a new notification in the PS Gazette. External advertising must comply with the Department of Finance’s [Recruitment Advertising Policy](https://www.finance.gov.au/government/advertising/recruitment-advertising-policy-rmg-408)

### What if an agency has made an error in a Gazette notification?

Agencies have obligations to uphold merit and provide all eligible members of the community with a reasonable opportunity to apply for APS vacancies. Making any changes to a job notice in the Gazette, can result in candidates not having a reasonable opportunity to apply.

In general, it is strongly recommended that, rather than making changes to a vacancy notice, agencies cancel the notification and re-advertise the vacancy. This option presents the least risk to merit. However, it may depend on the nature of the error. For example an error in advertising job location which results in eligible members of the community not having an opportunity to apply should be readvertised. However, a minor spelling error in a vacancy notice not changing the substance of the notice may not require cancelling the notification.

In addition an agency may wish to consider:

* the impact on candidates seeking to apply for the role (or who may have already applied) if the vacancy is amended
* how long the vacancy has already been open for applications and
* any other risk factors that may heighten the risk of dispute.

However, the legislative framework does not prohibit changes to a vacancy notification, provided there are at least 7 calendar days remaining on the notification following the change. For any period shorter than 7 days, the Agency Head must be satisfied that special circumstance exist and Agency Head approval must be given.

## Affirmative measures

### When can the RecruitAbility scheme be applied to a vacancy?

RecruitAbility can be applied to all vacancies across the APS, including Senior Executive Service roles.

### How does the RecruitAbility scheme work?

Job applicants with a disability who opt into the scheme and have the work-related qualities required to perform the relevant duties for the vacancy and meet the eligibility requirements, are advanced to a further stage in the selection process. Merit remains the basis for engagement and promotion.

### When can a vacancy be restricted to persons with disability or a particular disability?

Agencies can apply an Affirmative measures – Disability to any ongoing, non-ongoing or casual APS vacancy including SES positions, regardless of the duties.

It can also be used for individual vacancies as well as bulk rounds, such as graduate recruitment rounds. Restricting a vacancy to people with a particular type of disability are usually used where there is a connection with the job requirements, or there a disproportioned employment disadvantage.

### When can a vacancy be restricted to people who identify as Aboriginal and/or Torres Strait Islander peoples?

Agencies can apply an Affirmative measure – Aboriginal and Torres Strait Islander employment to any ongoing, non-ongoing or casual APS vacancy, including SES positions. Importantly, this measure is not restricted to jobs that require an understanding of issues affecting Aboriginal and Torres Strait Islander peoples.

## Selection panels

### How many people need to sit on a selection panel?

Whilst are no legislative requirements in respect of the composition and number of persons on selection panels for non-SES recruitment exercises, the Agency Head or delegate needs to be satisfied that the chosen panel members have the necessary skills and experience to assess each candidate’s suitability to perform the relevant duties in accordance with the legislative framework. This includes an ability to understand and apply the principles of merit. To achieve a broader perspective, diversity of views and to mitigate any potential bias it is recommended that 3 to 4 people sit on a selection panel. A panel should aim to provide gender balance and contain members from outside the vacancy work area.

For SES selection panels there are specific requirements relating to specialist panel members and inclusion of the APS Commissioner or a Commissioner’s Representative. For further information see: Senior Executive Service (SES) recruitment

### Do all panel members have to be a classification above the vacancy?

The legislative framework does not provide any requirements for selection panels, however the delegate should be satisfied that panel members have a good understanding of the requirements and capabilities to perform successfully at the relevant classification.

As a minimum, it is recommend that the Chair of the panel is an APS employee at a substantive level above the vacancy.

### Does there need to be gender balance, disability and cultural diversity on the selection panel?

#### Non-SES Recruitment

Agencies are encouraged to consider the importance of having a diverse selection panel and the benefits this can bring to a process. This could include involving panel members

* from outside of the hiring area/agency/technical areas for specialised roles
* who contribute to gender balance and
* with different backgrounds and experience.

#### SES Recruitment

For all SES recruitment there is an expectation that SES panels include gender balance which is set out in the criteria for APS Commissioner’s Representatives.

### For an affirmative measures vacancy does at least one of the panel members need to have an understanding of the disability or cultural context for the affirmative measure?

While not a requirement, to ensure an effective recruitment process it is valuable for there to be at least one person on the selection panel that has an understanding of disability or the cultural context for the affirmative measure vacancy.

How does an agency manage conflicts of interest for panel members? Agencies should ensure that they have robust procedures in place for managing conflicts of interest. If a selection panel member has a relationship with a candidate or another panel member that may lead to a potential, perceived or real conflict of interest, this should be declared to all panel members and to the decision maker for the selection process as soon as the conflict is identified. The chair of the panel will decide how to mitigate or eliminate the conflict, which may include deciding whether the panel members should be excluded from the assessment of particular candidates, or the selection process.

Where a panel member is also nominated as a referee for an applicant, this should be completed before shortlisting and assessments commence. This is to mitigate any risk that the reference was influenced by the claims of other candidates. Agencies should ensure they have processes in place to identify where a panel member is also a referee, prior to the process commencing.

### Does the delegate have to make a decision based on the recommendation of the selection panel?

The delegate is not obliged to endorse the recommendation of a selection panel. The delegate may also choose to disregard the selection report and make a different decision.

While the delegate cannot compel a selection panel to make a different recommendation they can request more information be sought or that the panel use a different type of merit list (for example, make a ranked order instead of a merit pool).

However, all decisions must be transparent and supported by evidence. Where a delegate chooses not to endorse a selection report or seeks further information, this must be clearly documented.

## Merit lists and merit pools

### Should a merit pool or merit list be created?

Both merit lists and merit pools are appropriate mechanisms for capturing suitable candidates for potential future similar roles.

When considering whether to create a merit list or a merit pool, agencies may consider factors such as the number of current and future roles to be filled, or whether the skills sought are in high or frequent demand within the agency and across the APS.

### How long does a merit pool or list operate for?

A merit list or merit pool can be used to fill the same or similar vacancy within 18 months from the date the initial vacancy was notified in the PS Gazette.

### Can an agency extend the expiry date of a merit pool or list?

A merit pool or list will only operate for 18 months from the date the initial vacancy was notified in the PS Gazette. There is no ability in the legislative framework for a merit pool or merit list to be extended.

Can an agency shorten the expiry date of a merit pool? The Employment Framework does not provide for an agency to shorten or reduce the period of operation of a merit pool or list. A merit pool or merit list will operate for 18 months from the date the initial vacancy was notified in the PS Gazette. However, an agency may plan to only draw on a merit pool or list for a specific time period. If this approach is taken, it is strongly recommended this is communicated to candidates at the time of application so that candidates are appropriately informed about planned use of the merit list or pool.

### What is a similar vacancy?

A vacancy will be similar to a notified vacancy if all of the following apply:

* the same category of employment (ongoing or non ongoing)
* the work-related qualities required by a person to perform the duties are similar
* it is at the same classification or
* a corresponding Parliamentary Service classification or
* at the same corresponding classification made between the Director-General of the relevant intelligence agency and the APS Commissioner and
* for duties to be performed in a similar location

and any one of the following apply:

* it is an SES vacancy
* it is a vacancy in a centrally coordinated entry level program
* the vacancy and the notified vacancy are in the same agency
* the Agency Head of the agency in which the notified vacancy existed and another Agency Head agree, in writing, that the vacancy is a similar vacancy to the notified vacancy. This includes an Agency Head deciding that 2 vacancies within their own agency are similar
* the Secretary of a Department in which the notified vacancy existed and an Agency Head agree, in writing, that the vacancy is a similar vacancy to the notified vacancy
* the Director-General of the intelligence agency in which the notified vacancy existed and an Agency Head agree, in writing, that the vacancy is a similar vacancy to the notified vacancy.

### Does an agency have to share a merit list/ pool with another agency?

The sharing of a merit list or pool for similar vacancies with another agency supports the efficient use of resources and managing talent, and is strongly encouraged. Sharing is at the discretion of the agency that created the merit list or pool.

### When sharing a merit list/pool with another agency what does an agency have to provide?

When sharing a merit list or pool, agencies are encouraged, where practical, to provide the selection report and any other relevant information used to determine a candidate’s suitability for a vacancy, such as the candidate’s resume and reference checks. This will assist the requesting agency in making an informed selection decision. Agencies must provide all ranked or pooled candidates (yet to accept a role) when sharing a merit list or pool with another agency, where candidates have agreed for their details to be shared.

Agencies should ensure they have suitable processes in place to capture and record a candidate’s consent to having their details shared.

### Does an agency need to obtain candidate’s permission before sharing a merit list/pool?

Prior to an agency sharing a merit list/pool, permission must be obtained from the candidate’s to share their details with other agencies. Agencies may obtain this permission during the selection process or when asked to share a merit list/pool. Agencies should also ensure that they adhere to their agency’s privacy policy that addresses the handling of, and access to, personal information of candidates.

## Conditions of Engagement

### When can conditions of engagement be imposed?

Conditions of engagement can only be imposed at the time a prospective employee is engaged in the APS, they cannot be imposed or varied after engagement.

### What factors should an agency consider when determining whether to impose conditions of engagement?

When determining whether to impose conditions of engagement, agencies should consider the relevance of the condition of engagement to the duties of the vacancy and the operating environment of the agency. Generally, the period of an engagement should not be a factor when considering whether to impose conditions.

### What should be included in the letter of offer about any conditions of engagement?

To enable a prospective employee to make an informed decision about an offer of employment, conditions of engagement should be outlined in the letter of offer, including:

* details of each condition and the evidence required (where relevant)
* a timeframe by which each condition must be met
* that employment can be terminated by the agency if each condition is not met within the specified timeframe.

## Probation

### What are the circumstances in which probation can be waived?

All APS employees, other than employees engaged for duties that are irregular or intermittent, must be engaged on probation. Probation can only be waived if the Agency Head is satisfied that there are reasonable circumstances justifying the waiver.

An example, of where the Agency Head may consider there are reasonable circumstances to justify the waiver is where the engagement is less than the probation period and it is not anticipated that the contract will be extended, such as a non-ongoing engagement of 1 month, it may be impractical to facilitate probation in these circumstances. However, agencies should only waive probation in limited circumstances. If any employee is later extended or made ongoing, probation would not be able to be applied at the later date.

### How long should a probation period be?

There is no legislative requirement for a minimum or maximum period of probation. The period should provide sufficient opportunity to assess the suitability of the person for employment.

APS agencies generally set a probation period of between 3 and 6 months. The length of the probation period should be clearly outlined in the agency’s probation policy. This includes detailing whether a probation period can be extended and under what circumstances.

A period of probation cannot be extended after the initial period has ended. Agencies should also be mindful of the impact of other legislation, including the Fair Work Act 2009, which provides access to unfair dismissal protections where the employee has been employed for more than 6 months.