



Australian
Human Rights
Commission

everyone, everywhere, everyday

Recruitment and Selection Guidelines

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Table of Contents

1. Introduction	4
2. Definition of merit	4
3. Job assessment and review	4
4. Filling a vacancy	5
5. Special measures and identified positions	5
6. Applicants with a Disability.....	5
7 Selection committee	6
8. Role of the Human Resources Section	7
9. Factors determining suitability	8
10. Selection Checklist.....	8
11. Shortlisting	9
12. Interviews	9
13. Use of Scribes	10
14. Referees Reports.....	11
15. Selection Reports	11
16. Role of the Delegate	13
17. Post-Selection Feedback	13
18. Making an offer of employment	14

19. Review of actions.....	14
20. Some advice for selection committees.....	15
Attachment A Example of a rating scale	17
Attachment B Example pro forma of a selection report	18
Attachment C Guidelines for interviewing applicants with a disability	23
Attachment D The Principle of Reasonable Adjustment	25

1. Introduction

The objective of these guidelines is to assist delegates and staff in making employment decisions with the aim of selecting the best person for the job. The Commission is committed to open competition on merit and equity in employment. Selection for vacancies will be without patronage or favouritism as well as without unlawful or unjust discrimination.

These guidelines are consistent with the *Public Service Act 1999*, Public Service Regulations, Public Service Commissioners Directions, Public Service Commission Advices and the Commission's Enterprise Agreement.

2. Definition of merit

Merit remains a fundamental principle of APS employment. This is articulated in the APS Values in section 10(1) (b) of the *Public Service Act 1999* which states that: "the APS is a public service in which employment decisions are based on merit".

Merit based decisions, as defined in Clause 10(2) for promotion and engagement, require, as a primary consideration, a competitive assessment of the relative suitability of the candidates against the genuine requirements of the duties having regard to the capacity of candidates to achieve outcomes relevant to the duties.

3. Job assessment and review

Prior to making a decision to advertise a vacancy, the delegate and manager have the following responsibilities to:

- Determine whether there is an actual need to fill the vacancy and, if so, how the vacancy will be filled
- Ensure the current key responsibilities and functions of the vacancy are clearly defined in the selection documentation
- Ensure the selection criteria accurately reflect the skills, abilities, qualities, and qualifications (if applicable) required, based on the duty statement. Particular skills/experience should only be identified as essential where lacking these would make carrying out the duties of the position impossible

[All jobs require an appreciation of the principles of Workplace Diversity and Work Health and Safety]

- Ensure the duties and selection criteria are appropriate to the classification

4. Filling a vacancy

All ongoing (permanent) vacancies and non-ongoing (temporary) vacancies 18 months or more are required to be advertised in the Commonwealth Government Gazette and a merit selection completed. Advertising in other mediums or forums should also be considered if Gazette advertising alone is not expected to produce a wide field of applicants.

Options for filling non-ongoing vacancies available for less than 18 months include:

- Temporary reassignment of duties for internal staff taking into account staff development and operational requirements
- Advertising in the Gazette (i.e. full merit selection – for vacancies that may extend beyond 18 months)
- Advertising on the Commission website, specialist job boards (eg Indigenous Job Board) and/or circulation on list serves
- Employing temporary staff through a recruitment agency
- Employing from the Commission’s temporary employment register
- Inviting expressions of interest from internal staff (requesting submission of a resume and/or a brief statement of suitability or a full statement of claims against the selection criteria and/or an interview) Subject to executive oversight and cross-Commission operational requirements.
- Utilising an existing order of merit that has been completed within the last 18 months

5. Special measures and identified positions

The Public Service Commissioner’s Directions 1999 enable agency heads to put in place **special measures** to identify particular non-SES opportunities as open only to Aboriginal and Torres Strait Islander applicants. When a vacancy occurs, Managers should consider whether there is an opportunity or need for a special measure.

Identified positions have specific selection criteria that signify that the role has a strong involvement in issues relating to Aboriginal and Torres Strait Islander peoples but are not restricted to Aboriginal and Torres Strait Islander applicants. The Commission has used the following criteria for this purpose:

1. A demonstrated knowledge and understanding of the issues affecting Aboriginal peoples and Torres Strait Islanders in contemporary Australian society and the diversity of circumstances of Aboriginal peoples and Torres Strait Islanders.
2. A demonstrated ability to communicate sensitively and effectively with Aboriginal peoples and Torres Strait Islanders.

6. Applicants with a Disability

It is a Commission policy that where applicants for a position identify as having a disability, and they meet all the selection criteria, they should be offered an interview for the position. The applicant will still be required to demonstrate at interview that they are able to carry out the requirements of the position to a higher standard than other interviewed applicants.

7. Selection committee

The delegate must approve the composition of the selection committee before the start of the selection exercise (i.e. before any shortlisting has taken place).

The selection committee has the following responsibilities

- Planning and conduct of the selection exercise is timely, invokes the principles of fairness, merit and equity in employment
- Liaison occurs with the delegate as required
- Appropriate facilities/arrangements are provided for applicants particularly those in EEO groups (see Attachment A)
- Arranging interviews and submission of referee reports
- A selection report is provided to the delegate that makes a recommendation regarding the filling of the vacancy. **Note: there is no selection decision until the delegate has approved the recommendation**
- Maintenance of confidentiality and discretion at each stage of the selection exercise
- Post-interview feedback is provided to interviewed applicants on request

Generally, the selection committee should comprise 3 members who occupy jobs classified at or above the level of the vacancy. At least one member should be from an independent functional area and the

committee should have gender balanced representation. The delegate may form part of the committee, as may suitable staff from other relevant agencies.

It is recommended that staff participating on selection committees receive training in the principles and procedures to be followed. The Human Resources Section can provide details on appropriate training courses.

The role of the panel members is to ensure that the recruitment process is carried out with independence and objectivity and to make a selection based on the skills, abilities and experience of the applicants and their ability to demonstrate these to the satisfaction of the panel.

Selection should be based solely on merit, i.e. the preferred candidate should be the person assessed as being able to carry out the duties and requirements of the position to the highest standard.

A chairperson is nominated by the delegate to ensure that the selection process is carried out in a timely manner and to liaise with the Human Resources Section and delegate as required. The chairperson usually arranges the interviews, writes the selection report and may take primary responsibility for providing feedback to applicants.

8. Role of the Human Resources Section

The Human Resources section administers the recruitment function and is available at all stages of the recruitment process to provide advice to selection committees. Specifically, it performs the following functions

- Maintain and update copies of selection documentation in consultation with section manager
- Arrange advertising of vacancies (including Gazette, press, website, list serves and email advice to all staff)
- Send out selection documents on request from applicants
- Receive and acknowledge applications
- Provide the original set of applications and a 'Schedule of Applicants' to the chairperson for shortlisting
- Arrange scribe if required (please note this occurs in exceptional circumstances only)
- Advise applicants unsuccessful after interview
- Send offer of employment to successful applicant and notify the outcome of the selection in the Gazette if required

9. Factors determining suitability

Examples of work related qualities that may be taken into account in making an assessment are

- Skills and abilities
- Qualifications and training
- Standard of work performance
- Relevant personal qualities
- Demonstrated potential for further development
- Ability to contribute to team performance

Although there are no specific requirements to use any particular selection method, usual practice involves the use of written application, interview and referee/supervisor reports. Committees may also consider whether other assessment tools such as practical exercises would be useful. Committees should ensure appropriate consideration of each of the assessment tools used in determining an applicant's suitability against the selection criterion and that there is no disadvantage created by their use, particularly for candidates with a disability.

10. Selection Checklist

This checklist may serve as a guide to undertaking staff selections

- ☐ an initial meeting of the selection committee to discuss assessment methods, timeframes, responsibilities, expectations, other considerations (e.g. late applications, diversity issues)
- ☐ shortlist
- ☐ confirm the assessment strategy e.g. interviews, referees etc.
- ☐ interview/conduct other assessment processes as appropriate
- ☐ collect and assess referee reports for the strongest candidates
- ☐ establish order of merit
- ☐ prepare the report for the delegate
- ☐ delegate makes a decision regarding staffing action to be taken
- ☐ all interviewed applicants advised of the outcome

11. Shortlisting

The selection committee should make an assessment of each application against the duties of the position.

Only those applicants who are competitive in relation to the field and in relation to the number of vacancies should be shortlisted for interview. It is the responsibility of applicants to supply the information necessary to judge whether they meet the requirements of the job. Applicants are not usually required to address specific selection criteria so the committee is required to experience and suitability on the basis of their CV and covering letter. If in doubt further information may be sought from the applicant.

Applicants must satisfy all criteria to be considered suitable. In addition, an applicant may be excluded from the shortlist if they are not as competitive as other applicants on one or more criteria.

It is necessary to provide to the delegate a brief record of the reasons against the selection criteria that applicants were not shortlisted. This record may simply consist of the completed 'Schedule of Applicants' form. Some examples of reasons may include "The applicant does not meet criteria 3" or "The applicant is not as competitive on criteria 2 and 6 as other applicants".

If the committee feels that the field of applicants is weak, they can recommend to the delegate that the vacancy be re-advertised.

The committee should then provide a list of applicants not shortlisted (or a copy of the Schedule of Applicants) to the Human Resources Section.

Internal applicants not shortlisted should be notified in person by the chairperson of the committee before interviews are conducted.

Due to the large volume of applications received, the Commission no longer requires the committee to provide feedback to those applicants not shortlisted unless there is the capacity to do so.

12. Interviews

If interviews are to be held, the selection committee should

- Give applicants at least two working days notice of their interview date and time
- Advise applicants of the membership of the committee
- Advise applicants of any documentation they are required to bring, including referees reports, a specific example of written work, etc.

- Where appropriate, provide applicants with sources of background material related to the work area
- Advise applicants of the expected length and format of the interview and any other assessment tools to be used (eg. Practical test)
- Where relevant, advise applicants that interview questions will be given prior to the interview and schedule an arrival time to accommodate this
- Identify any arrangements that might need to be made for applicants with a disability (see Attachment C)
- Confirm the nature of the interview i.e. in person, by telephone or by skype with consideration of any time differences based on the applicants' location. Whilst 'in person' interviews are preferred, the circumstances of the applicant should be considered and where possible and cost-effective, be accommodated. (please note that the travel costs of candidates wishing to be interviewed face to face is born by the candidate not the Commission)

Committees should base their questions on the selection criteria. Committees should also be clear about what answers they require in order to evaluate the performance of the interviewees.

Committees should also keep in mind the provisions of the *Public Service Act 1999* that preclude patronage, favouritism and discrimination. As such, the committee should not make assumptions that might unfairly bias the selection process against members of target groups.

13. Use of Scribes

The convenor has specific responsibilities to produce the selection report at the end of the selection process. In some circumstances however, assistance may be sought from an external scribing service. A scribing service provides the committee with a note taker who sits in each interview and provides both an individual assessment for each interviewed candidate and the final report on the basis of comments and decisions made by the committee.

The use of a scribing service adds significantly to the cost of the recruitment exercise and should only be used for the most senior positions and/or in exceptional circumstances.

14. Referees Reports

Referee reports should be sought for competitive applicants. Referee reports should assess the applicant against the job they are applying for rather than their current job, although it would be expected that there may be some cross over.

An applicant's current supervisor is best placed to provide informed comment. Where the applicant does not nominate the current supervisor, the committee should ask for the reason. To ensure that supervisor comment is a useful evaluation tool, comments should be substantiated by examples of work performance, achievements, etc.

If any of the selection committee members is required to provide a referee report for any of the applicants, they should submit them before any interviews are held.

Referee reports should state the jobs of the applicant and referee, and the nature and length of the working relationship with the applicant.

If referee comments are obtained orally, notes should be taken, accurately summarised in writing and read back to or emailed to the referee for confirmation. Referees should be advised that applicants will be made aware of the comments provided. It should be noted that if applicants can supply a referee report at the interview, it may be appropriate to verify the information supplied.

Applicants should be given the opportunity to respond to any adverse referees comments. If there is a significant discrepancy between supervisor comment and other assessment components, further information may be sought to clarify.

15. Selection Reports

As with all public sector processes, recruitment activities should be transparent and documented.

The selection report should be brief but contain sufficient detail for the delegate to be satisfied that the most suitable person has been recommended and that the process is consistent with procedural fairness principles.

All selection committee members must be involved in the decision-making process to discuss and resolve any differences of opinion they may have. If agreement cannot be reached, a minority report can be submitted with the main report.

In addition to the recommended applicant, an order of merit of suitable applicants may be established for use if future similar vacancies are likely to arise within the following 12 months.

The **recommendation** should be addressed to the delegate containing

- Job details and reason for the vacancy
- Advertising details
- Name, classification and work unit of all committee members
- Number of applications received and how many were shortlisted/withdrew
- Number interviewed and dates of interview
- Methods of assessment (written application/interview/referees reports/ practical exercise/skills assessments)
- Ranking of suitable applicants (where applicable)
- Recommendation for engagement (ongoing or non-ongoing), promotion or movement (ongoing or non-ongoing)
- Signatures of all committee members

Individual assessments must be written for each shortlisted applicant. These should be brief but contain

- Accurate, objective comments relating to experience, written application, interview, referees report etc in respect of each of the selection criteria
- Ratings (non-numerical) for each criterion that are consistent with these comments (an example of a rating scale is at Attachment A).
- An overall statement of suitability or non-suitability for the job

An applicant who fails to meet any important criterion must be rated overall as unsuitable for the job.

A **Comparative assessment** should also be provided to clearly justify the selection committee's conclusion as to which applicant best meets the selection criteria and is recommended for the job. It must also compare the relative merit of the highest rated suitable applicants who have been ranked on any order of merit. Suitable applicants may be compared against the selection criteria in a table using a rating scale (an example of a rating scale is at Attachment A).

The question of access to documents in the selection report is covered by the privacy principles. Applicants may request a copy of their individual assessment from the Human Resources Section.

An example pro forma of a selection report is at Attachment B.

16. Role of the Delegate

It is important to understand that the delegate is the decision-maker in the selection process. The selection committee's role is solely to make a recommendation to the delegate.

The delegate's role is to ensure that a decision based solely on merit is made, that appropriate procedures have been followed in reaching that decision and that legislative provisions have been adhered to.

Delegates may seek further information from the selection committee or make further investigations as necessary. The delegate may also ask for a new selection process to be undertaken or vary the recommendation of the selection committee. The delegate should record their reason for such a decision.

The delegate may also determine a commencing salary for the recommended applicant that is above the minimum for the classification.

For selection exercises at the Commission, the delegate is the Executive Director or Director Human Resources.

17. Post-Selection Feedback

Post-selection feedback involves discussion with an applicant about their application and interview performance and their overall assessment in direct relationship to the vacancy. It is available to all interviewed applicants when they are notified of the result of the selection. Internal applicants should receive their feedback prior to an announcement about the outcome of the selection process. The aim of feedback is to

- Promote confidence in the selection process
- Identify individual strengths and areas for development/improvement
- Resolve any misunderstanding or grievances on an informal basis
- Leave unsuccessful applicants with a positive view of the organisation – they may develop into just the right person we are looking for at some point in the future

18. Making an offer of employment

No offer of employment should be made to an individual without first confirming their eligibility for APS employment.

Generally, prospective employees must

- not be within the exclusionary period of reemployment following a redundancy from the APS or other Commonwealth employer
- hold Australian citizenship unless the Agency Head considers it appropriate to waive
- provide evidence of any mandatory educational requirements or professional memberships

19. Review of actions

There are two formal avenues available to a staff member to request a review of actions relating to staff selections.

These are:

- A request for a review of action (appeal) against a promotion through the Promotions Review Committee (PRC) of the Australian Public Service Commission

These may only be lodged against promotions to jobs classified at APS Level 6 and below. Only APS applicants for the advertised vacancy may seek a review and they must lodge their application within 14 days from the date of notification of the promotion in the Gazette.

Applications for review of promotion decisions can only be made on the grounds of merit. The PRC's decision can confirm or overturn the delegate's decision. Further information is available in the preamble to the Promotions section of the Gazette.

- A request for a review of action (grievance)

If an APS employee believes that a serious breach of the selection process has occurred, they may request that aspects of the procedures adopted in the selection exercise (as distinct from the merits of the decision) be reviewed. There is no power under these provisions to vary a selection decision, however, if a serious defect in the process is found, a delegate may cancel a promotion before it takes effect.

20. Some advice for selection committees

- Some committees use the written application only to shortlist applicants for interview. Committees should consider the content of the written application at all stages of the assessment.
- Committees sometimes employ “mathematical” selection methods with too much emphasis on applying the process faithfully and not on selecting the best person for the job. Scores should not be appropriated and added up to discover the successful candidate.
- Committees can tend to rely heavily on “scenario” questions. While this may be useful in measuring the applicant’s thought processes, what applicant’s say they would do may bear no relationship to what they would actually do when confronted with a real situation. Committees should also consider asking about past behaviour and achievements as a better indicator of future behaviour.
- Committees often approach the issue of prompting at interview differently - some view prompting negatively, some do not prompt at all and some prompt freely. Committees should keep in mind that applicants may be nervous at interview and may not reveal their abilities or knowledge without prompting. Prompting can assist the committee in their enquiry when it assists the applicant with their opportunity to present their claims. It is also important to keep in mind that too much prompting of one applicant over another may not be fair. It is therefore important that the committee agree on a consistent approach before the interviews.
- Referee reports can be useful but they can also be unreliable and inconsistent. Referees should not be asked to rate the applicant using a standard scale as some referees may be more generous in awarding ratings than others. Committees may also be inclined to see an applicant whose referee is more detailed as more suitable than another applicant whose referee is more taciturn. The same information should be elicited from all referees.
- Sometimes it may be necessary to readvertise the position. Committees should not feel compelled to take an applicant from a selection just because that person in comparison to the rest of

the field was the better applicant. Remember they still have to be able to meet the criteria for the position and be able to do the job.

Remember, it is costly to go through a recruitment process only to have a performance management problem due to poor selection, so ensure sufficient time and resources are devoted to the process.

Attachment A Example of a rating scale

The following standard terms can be used to describe the level at which the applicant is rated against the individual selection criteria.

Excellent	where the applicant meets the criterion at the highest possible standard, ie possesses exceptionally well developed and relevant skills and abilities; is outstanding
Very Good	where the applicant is remarkably good, ie possesses highly developed and relevant skills and abilities and clearly exceeds requirements
Good	where the applicant possesses well developed and relevant skills and abilities and has demonstrated competency at the required level
Satisfactory	where the applicant fulfils the requirements of the criterion, or possesses the relevant skills and abilities and could adequately carry out the duties of the job
Requires Development	the applicant possesses some skills, abilities and personal qualities relevant to the criterion, but is limited on others. Would be able to temporarily perform the duties with close supervision but would require further training and development to meet the standard required against this criterion
Unsatisfactory	where the applicant does not satisfy the criterion, or is unable to demonstrate that they possess the relevant skills and abilities; the applicant must be rated unsuitable for the job

Attachment B Example pro forma of a selection report

Selection Advisory Committee Report

Vacancy and advertising details

Title:

Classification:

Section:

The vacancy is an ongoing/non-ongoing employment opportunity (insert number of months for non-ongoing).

The vacancy was advertised by email to staff on (insert date) and in the Commonwealth Gazette of (insert date). The vacancy was also advertised on the Commission's website and these job boards.... on (insert date). Applications closed on (insert date).

Selection Advisory Committee Composition

Name of Convenor:

Title:

Classification:

Section:

Name of Member:

Title:

Classification:

Section:

Name of Member:

Title:

Classification:

Section:

Selection documentation

The duty statement and selection criteria are at Attachment A and accurately reflect the current duties of the job.

Applicants

(insert number) applications were received. (insert number) applicants were not interviewed for the reasons indicated on the Schedule of Applicants at Attachment B. (insert number) applicants were selected for interview.

Selection Process

The Selection Advisory Committee interviewed (insert number) applicants on (insert date). (The questions asked at interview are at Attachment C). Attached is an individual assessment against the selection criteria for each applicant interviewed. Referee comments were sought for all competitive applicants.

Comparative assessment

Applicants were assessed on their written application, interview and referees comments (where obtained). The following table compares the (insert number) applicants found suitable for the job.

Applicant Name	Criteria 1	Criteria 2	Criteria 3	Criteria 4	Criteria 5
	Excellent	Very Good	Very Good	Very Good	Excellent
	Very	Very	Excellent	Good	Good

	Good	Good			
	Good	Good	Satisfactory	Good	Satisfactory

The committee has established the following order of merit –

1. (insert name of recommended applicant)
2. (insert name of applicant rated second if applicable)
3. etc

(Insert name) was found unsuitable for the job and has not been ranked on the order of merit.

Recommendation

The committee recommend that (insert name) be employed as an ongoing/non-ongoing employee in the advertised vacancy. The committee recommends that the order of merit be utilised to fill any other vacancies of this job that may arise in the next 18 months.

.....		
Convenor	Member	Member
Date:	Date:	Date:

Delegate's decision

The Selection Advisory Committee's recommendation is:

Approved in full / Not approved / Approved in part

Signature

Date.....

Title

Individual assessment report

Name:

Background:

Summary

Overall Rating – suitable/not suitable

Attachment C Guidelines for interviewing applicants with a disability

The selection committee needs to ensure that any applicant identified as having a disability is given every opportunity through the selection process to demonstrate their capacity to do the inherent duties of the advertised job.

Prior to the interview, selection committee members can

- Take care not to exclude applicants during shortlisting on the basis of assumptions about that person's inability to perform the duties of the job. Applicants with a disability should only be excluded if they do not satisfy the essential requirements of the job
- Ascertain if it will be necessary to make special arrangements for the conduct of the interview itself, including pre-interview preparations, eg. planning questions, seating arrangements and interpreters if required
- Familiarise themselves with the principles of reasonable adjustment (see Attachment D)

During the interview, committee members can

- Shake hands even if the applicant has limited hand use or wears an artificial limb
- Look and speak directly to the applicant even if (as with a hearing impaired person), they are accompanied by an interpreter or aide
- Ask the applicant for guidance or clarification on pertinent issues if you have difficulty understanding the applicant or the issue
- Offer assistance with respect and without assuming that the applicant automatically needs it

Committee members should not

- Tell the applicant they admire his or her courage, express sympathy for them, or ask them how they acquired their disability
- Assume the person is too sensitive to answer any of the questions put to other applicants

- Ask questions that are not necessary and would not be asked of a person without a disability
- Assume that the applicant has no sense of humour

Attachment D The Principle of Reasonable Adjustment

Many forms of “adjustment” can be made to working arrangements or the work environment to enable people with disabilities to compete on their merits for recruitment and career advancement opportunities.

These include

- Provision of work-related aids or special equipment or appliances, or modification of existing arrangements
- Structural modifications to the workplace
- Re-arranging the physical layout of the workplace
- Providing essential information in formats suitable for people with sight and/or hearing impairments
- Providing appropriate forms of assistance, such as reader assistance for a sight-impaired person
- Accepting that there may be alternative ways of accomplishing a given task or objective
- Exchanging some parts of a job between a person with a disability and other staff

It should be noted that, more often than not, reasonable adjustment simply means changing the attitude of supervisors and co-workers. This is the most critical adjustment of all, as the provision of equipment will, by itself, do little.

Please see the “Reasonable Adjustment” Policy for more information on options available.

The Interview

It is important to understand that disabilities are not always static conditions and that they will affect different people in different ways.

At the interview, aspects of the condition of an applicant with a disability that may affect their performance of the job should be addressed candidly but with tact. The selection committee may need to ask the applicant how they would perform the job, what sort of things they might require to enable them to do the job or if any adjustments

might be required to the work environment. People with disabilities may be aware of techniques or equipment that are unfamiliar to the committee.

The Selection

Selection pertaining to people with disabilities should be based only on merit. If they can perform the essential duties of the job, they should be assessed according to their relative suitability against the selection criteria. When recommending an applicant with a disability for the job, the committee should advise the delegate if any reasonable adjustments are required to the workplace or work methods.



GUIDE FOR SELECTION COMMITTEES

This guide is intended to support the Commission's Recruitment and Selection Procedure and provide an overview of the role of the selection committee chair and members.

The composition of the selection committee must be approved before the commencement of the selection process.

What is the role of a selection committee?

The role of the selection committee is to assess the suitability of candidates who have applied for position(s) advertised as part of a merit-based selection process. The selection committee may also establish a merit pool, ranked merit list and/or a ranked merit pool following the conclusion of a recruitment and selection process.

Selection committee members

A selection committee generally consists of 3 members who occupy roles classified at or above the level of the vacancy. The selection committee chairperson must be at least one level above the position being recruited. At least one member should also be from an independent functional area (division), the committee should also have gender balanced representation and cultural diversity.

Selection committee members are responsible for:

- Completing the required APS Recruitment and Induction training.
- Declaring any conflicts of interest, prior to shortlisting.
- Interviewing and assessing candidates.
- Completing selection committee interview forms for each candidate.
- Contributing to the recruitment and selection report.
- Ensuring the selection process is fair and based on merit.
- Maintaining confidentiality in relation to candidates' information.
- Keeping all records in the SharePoint recruitment folder.

Chairperson

A chairperson of the selection committee is nominated by a Senior Manager.

The chairperson is responsible for:

- Consulting with the delegate and People & Culture (P&C) where required.
- Coordinating the members of the selection committee.
- Ensuring selection committee members have a clear understanding of the selection process and conduct themselves in accordance with the [APS Code of Conduct](#) and [APS Values](#).
- Ensuring conflicts of interest are appropriately declared and managed.
- Co-ordinating the recruitment and selection process in relation to shortlisting, scheduling interviews, arranging the completion of pre-employment checks including reference checks,



providing feedback to candidates, preparing the recruitment and selection report and delegate approval briefs.

- Ensuring confidentiality is maintained at all times.
- Ensuring all relevant records are kept in the SharePoint Recruitment folder.

The assessment process

The Commission's Recruitment and Selection Guidelines and Procedure provides an overview of the recruitment and selection process including:

- 1) Approval to recruit / extend
- 2) Advertising and shortlisting
- 3) Interviewing and screening
 - Reference Checking
 - Providing feedback to unsuccessful candidates
- 4) Approval to select / appoint

As a brief overview

Once applications close, P&C will provide the selection committee with a shortlist report and candidate packs from Talentlink. Conflict of interest forms must be completed and saved in the vacancy folder within the People and Culture (P&C) library of SharePoint. Where a selection committee member has been nominated as a referee for an internal or external applicant, they are to complete and save a reference check in the vacancy folder prior to assessing applications.

The selection committee then shortlists applications based on the candidate's written application, and where applicable any other assessment method e.g. on-line tests, written assessments etc. Consideration must be given to the role requirements and capabilities as outlined in the duty statement / position description. A shortlist summary is prepared using the shortlist report provided by P&C or alternatively refer to selection committee shortlist form. It is recommended internal applicants not shortlisted for interview are notified by the chairperson before interviews are held.

Post interview, the chairperson is required to complete reference checks for suitable applicants and in consultation with the selection committee prepare a recruitment and selection report with recommendations for delegate approval. All applicants interviewed are to be verbally notified of the outcome by the chairperson upon approval of the recruitment and selection report and acceptance by the preferred candidate.

Further information and assistance

Refer to the People & Culture section of the Commission's Intranet portal.

The following checklist also provides a detailed step by step guide.



Checklist for Selection Committees

This checklist can be used by the selection committees as a quick reference guide for conducting competitive recruitment and selection processes. P&C are available to provide advice to the committee at any stage of the process.

1) Approval to appoint select		
Action	Responsibility	Complete
Review Position Description for the position in consultation with People & Culture (P&C). Refer to Position Description Template.	Hiring Manager	☐
Establish a suitable selection committee.	Chair	☐
Review and understand role and responsibilities of the selection committee under the Commission's Recruitment and Selection Procedure.	Selection Committee	☐
All members of the Selection Committee completed the APS Recruitment to Induction training within 12 months. To access the training go to APSLearn to create an APS Employees login using your humanrights.gov.au email address.	Selection Committee	☐
Consider timeframes, market approach and agree on the recruitment and selection method. Sourcing applicants must consider diversity including advertising on Ethical Jobs, Koori Mail and Indigenous Employment Australia.	Selection Committee	☐
Prepare a CE HR Brief for approval to recruit.	Hiring Manager	☐
Send CE HR Brief and Position Description to recruitment@humanrights.gov.au <i>Allow 5 days for approval</i>	Division Head	☐

2) Advertising and shortlisting		
Action	Responsibility	Complete
Upon CE approval, P&C will arrange a recruitment briefing session with the Hiring Manager to discuss the next steps.	People & Culture	☐
Liaise with P&C regarding advertising. P&C will recommend a 2-week advertising period. <i>Allow 2-3 days for processing by P&C</i>	Hiring Manager	☐
Access to vacancy folder in SharePoint to be provided by P&C.	People & Culture	☐
Arrange an initial meeting of the selection committee to discuss assessment methods, timeframes, responsibilities,	Chair	☐



expectations, other considerations (e.g. late applications, diversity issues).		
Complete a Conflict-of-Interest Form and obtain approval from the Division Head prior to shortlisting.	Selection Committee	☐
Shortlist using a system generated shortlist report provided by P&C or use Selection Committee Shortlist Form.	Selection Committee	☐
Confirm the assessment strategy e.g. interviews, assessment tasks, references etc.	Selection Committee	☐
Schedule interviews – consider placing placeholders in Outlook in advance.	Chair	☐

3) Interviewing and screening		
Action	Responsibility	Complete
Prepare selection committee interview packs including interview questions and candidate applications. <i>Note interview questions are to be based on the Position Description capability and role requirements profile.</i>	Chair	☐
Send candidates interview confirmations via email.	Chair	☐
Prepare an interview schedule.	Chair	☐
Conduct interviews and other assessment processes as appropriate.	Selection Committee	☐
Complete Selection Committee Interview Forms for each candidate. It is recommended each committee member completes an interview form for each candidate. Alternatively, a panel member or scribe can be appointed to take notes. At the conclusion of the interviews the committee is to then convene and collectively prepare a written assessment for each candidate.	Selection Committee	☐
Where applicants are requested to complete a written task as part of the assessment, they are to be submitted to jobs@humanrights.gov.au . People and Culture de-identify the submissions and provide to the panel for consideration.	Chair	☐
Schedule meeting with selection committee to discuss interview and assessment outcomes. Determine candidates to progress to reference and pre-employment screening.	Chair	☐



Collect and assess referee reports for the strongest candidates. Refer to Reference Check Form.	Chair	☐
Establish merit pool, ranked merit pool, ranked merit list.	Selection Committee	☐

4) Approval to select / appoint		
Action	Responsibility	Complete
Hiring Manager makes verbal offer of appointment to successful candidate pending CE approval and discuss salary and start date details.	Chair	☐
Notify all applicants interviewed verbally and provide any feedback.	Chair	☐
Prepare Recruitment and Selection Report for delegate approval.	Selection Committee	☐
Prepare CE HR Brief for approval to select / appoint.	Chair	☐
Send CE HR Brief and Recruitment and Selection Report to recruitment@humanrights.gov.au <i>Allow 5 days for approval</i>	Division Head	☐
Hiring Manager notified of delegate approval.	Chair	☐
P&C prepare and send the contract.	People & Culture	☐
Liaise with P&C to commence onboarding of successful candidate.	Hiring Manager	☐
All recruitment documentation saved in People & Culture vacancy folder.	Chair	☐

Tips for Selection Committees

- Some committees use the written application only to shortlist applicants for interview. Committees should consider the content of the written application at all stages of the assessment.
- Assessment of candidates needs to consider the entire recruitment and selection process including written application, performance at interview and pre and post screening.
- While “scenario” questions may be useful in measuring the applicant’s thought processes, what applicant’s say they would do may bear no relationship to what they would do when confronted with a real situation. Committees should consider asking about past behaviour and achievements as a better indicator of future behaviour.
- The STAR method is recommended to assist candidates to respond to behavioural-based interview questions by outlining an example in relation to a situation, task, action and result. This method will assist to assess a candidate’s experience and behaviour in relation to the capabilities required within the role. It is recommended candidates are informed of this



approach prior to the interview and encouraged to draw upon examples from their experience using this method.

- To ensure candidates are provided the opportunity to perform at the best during interview, interview questions may be provided prior to the interview commencing. For on-line interviews the interview questions can be placed in the chat and the candidate advised to turn off their camera and microphone for 10 minutes to review the interview questions.
- Committees often approach the issue of prompting at interview differently - some view prompting negatively, some do not prompt at all and some prompt freely. Committees should keep in mind that candidates may be nervous at interview and may not reveal their abilities or knowledge without prompting. Prompting can assist the committee in their enquiry when it assists the candidates with their opportunity to present their claims. It is also important to keep in mind that too much prompting of one candidate over another may not be fair. It is therefore important that the committee agree on a consistent approach before the interviews, with prompting questions included in interview forms for reference if needed.
- Referee reports can be useful, but they can also be unreliable and inconsistent. Referees should not be asked to rate the candidate using a standard scale alone as some referees may be more generous in awarding ratings than others. Committees may also be inclined to see a candidate whose referee is more detailed as more suitable than another candidate whose referee is more taciturn. The same information should be elicited from all referees.
- Sometimes it may be necessary to readvertise the position. Committees should not feel compelled to take a candidate from a selection just because that person in comparison to the rest of the field was the better candidate. Remember they still have to be able to meet the criteria for the position and be able to do the role.

Remember, it is costly to go through a recruitment process. It is important that sufficient time and resources are dedicated to ensuring a candidate with the right skills, experience and capability is selected. This will ensure successful team and section outcomes are achieved. In addition, every successful candidate will be provided with a fulfilling career at the Commission.

Information for interviewing applicants with a disability

The selection committee needs to ensure that any applicant identified as having a disability is given every opportunity through the selection process to demonstrate their capacity to do the inherent duties of the advertised job.

Prior to the interview, selection committee members can

- Take care not to exclude applicants during shortlisting based on assumptions about that person's inability to perform the duties of the job. Applicants with a disability should only be excluded if they do not satisfy the essential requirements of the job.
- Ensure applicants with disability who apply under RecruitAbility and meet minimum requirements are progressed to the next stage of a selection process. For more details, visit [RecruitAbility Scheme Guide](#)



- Ascertain if it will be necessary to make special arrangements for the conduct of the interview itself, including pre-interview preparations, e.g. planning questions, seating arrangements and interpreters if required.
- Familiarise themselves with the principles of reasonable adjustment (see Attachment C).

During the interview, committee members can

- Shake hands even if the candidate has limited hand use or wears an artificial limb.
- Look and speak directly to the candidate even if (as with a hearing-impaired person), they are accompanied by an interpreter or aide.
- Ask the candidate for guidance or clarification on pertinent issues if you have difficulty understanding the applicant or the issue.
- Offer help with respect and without assuming the candidate automatically needs it.

Committee members should not

- Tell the candidate they admire his or her courage, express sympathy for them, or ask them how they acquired their disability.
- Assume the person is too sensitive to answer any of the questions put to other candidates.
- Ask questions that are not necessary and would not be asked of a person without a disability.
- Assume that the candidate has no sense of humour.

More details, please refer to

<https://www.jobaccess.gov.au/i-am-an-employer/hire-someone-disability/interviewing-people-disability>

The Principle of Reasonable Adjustment

Many forms of “adjustment” can be made to working arrangements or the work environment to enable people with disabilities to compete on their merits for recruitment and career advancement opportunities.

These include:

- Provision of work-related aids or special equipment or appliances, or modification of existing arrangements.
- Structural modifications to the workplace.
- Re-arranging the physical layout of the workplace.
- Providing essential information in formats suitable for people with sight and/or hearing impairments.
- Providing appropriate forms of assistance, such as reader assistance for a sight-impaired person.



- Accepting that there may be alternative ways of accomplishing a given task or objective.
- Exchanging some parts of a role between a person with a disability and other staff.

It should be noted that, often reasonable adjustment simply means changing the attitude of supervisors and co-workers. This is the most critical adjustment of all, as the provision of equipment will, by itself, do little.

For more information refer to the Commission's [Providing an inclusive workplace and service free from discrimination Guidelines](#) and [Guide to Recruitment and Selection Reasonable Adjustments](#) (for candidates)

The Interview

It is important to understand that disabilities are not always static conditions and that they will affect different people in different ways.

At the interview, aspects of the condition of a candidate with a disability that may affect their performance of the job should be addressed candidly but with tact. The selection committee may need to ask the candidate how they would perform the job, what sort of things they might require enabling them to do the job or if any adjustments might be required to the work environment. People with disabilities may be aware of techniques or equipment that are unfamiliar to the committee.

The Selection

Selection pertaining to people with disabilities should be based only on merit. If they can perform the essential duties of the job, they should be assessed according to their relative suitability against the selection criteria. When recommending a candidate with a disability for the job, the committee should advise the delegate if any reasonable adjustments are required to the workplace or work methods.



Australian Government
Australian Public Service Commission

Recruitment in the Australian Public Service



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Contents

Contents	1
Overview.....	1
Purpose	1
Disclaimer.....	1
Abbreviations and terminology	2
APS recruitment foundations	3
APS employment framework and the basis for recruitment requirements	3
APS Employment Principles	5
APS merit principle.....	5
Diversity and inclusion in the APS.....	6
Affirmative measures	6
Identified positions	9
Recruitment processes using an Affirmative measure provision	9
Adjustments.....	10
Senior Executive Service recruitment	12
Legislative requirements for SES Recruitment	12
APS Commissioner's participation	12
Notifying intent to advertise.....	13
APS Recruitment Process	14
Plan and define	14
Workforce planning and recruitment	14
Role analysis	15
Conditions of engagement	17
Assessment criteria	17
Determining how to fill the vacancy	18
Bulk recruitment	21
Candidate care	21
Attract	23
Attracting the right candidate	23
Advertising considerations	23
External advertising.....	24
Similar vacancy and merit lists.....	24
Select	25
Roles and responsibilities in the selection process	25
Selection panel.....	26
Conflicts of interest.....	27
Selection tools	27
Engage.....	32
Implementing employment decisions	32
Letters of offer	32

Applying conditions of engagement	33
Onboarding.....	35
Appendix 1 – further information and resources	37
Further information	37
Commission guidance – information on APS Employment	37
Other legislation and policy	37
Other resources	37
Appendix 2 – Frequently asked questions	38
Topic index	38
Advertising and gazettal	38
Affirmative measures	39
Selection panels	40
Merit lists and merit pools	41
Conditions of Engagement.....	43
Probation	44

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	<i>Australian Public Service Commissioner's Directions 2022</i>
Employment Principles	APS Employment Principles set out in section 10A of the PS Act
FW Act	<i>Fair Work Act 2009</i>
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	<i>Privacy Act 1988</i>
PS Act	<i>Public Service Act 1999</i>
PS Classification Rules	<i>Public Service Classification Rules 2000</i>
PS Regulations	<i>Public Service Regulations 2023</i>
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](#) (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](#) (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](#) (PS Regulations), the [Australian Public Service Commissioners Directions 2022](#) (the Directions) and the [Public Service Classification Rules 2000](#) (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](#) and policies, including but not limited to the:

- [Public Governance, Performance and Accountability Act 2013](#)
- [Privacy Act 1988](#)
- [Fair Work Act 2009](#)
- [Work Health and Safety Act 2011](#)
- [Equal employment opportunity legislation](#)
- [Australian Public Service Enterprise Award 2015](#)
- [Australian Government Guidelines on Information and Advertising Campaigns](#)
- [Recruitment Advertising Policy](#)
- [Disability Discrimination Act 1992](#)
- [Guidance on non-ongoing engagements](#)
- [Handling Misconduct: A human resource manager's 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](#)
- [Australian Public Service Disability Employment Strategy 2020-25](#)
- [Australian Public Service Gender Equality Strategy 2021-26](#)
- [The 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](#) 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](#) and the [Aboriginal and Torres Strait Islander Recruitment Guide webpage](#) or request to join the [Affirmative measure – Aboriginal and Torres Strait Islander Recruitment Hub](#) on [GovTEAMS](#).

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](#) 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](#) 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](#) 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](#), 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

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

- the [Commissioner's Representative certification](#) (where the APS Commissioner did not participate in the process)
- notification of the [SES Selection Notification of Outcome Form](#), 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 participant 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](#).

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](#) 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](#) 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](#) 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](#), 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](#), 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](#).

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](#))
- 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.

- a. Consider the team's current and future operational needs
 - i. 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).
 - ii. Consider if this role should be filled or whether it first needs a re-design to reflect future business requirements of the agency.
- b. Review existing role descriptions
 - i. 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.
- c. Speak with key stakeholders
 - i. 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).
- d. Identify the key responsibilities and accountabilities of the role
 - i. 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?
- e. Identify the capabilities required to succeed in the role
 - i. Once agencies have their research, they need to develop a list of the capabilities
- f. Consider the classification of the role
 - i. Agencies should consider the roles work value, to help determine the appropriate classification.
 - ii. Agencies must use the [APS Work Level Standards for the APS Level and Executive Level \(EL\)](#) classifications and the [SES Work Level Standards](#), which have been developed to provide a consistent platform for classifying roles across the APS.
- g. Define the work-related qualities required for success in the role.
 - i. 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](#) 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](#).

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](#) 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](#).

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](#).

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, increase 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 be 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](#) 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/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 under section 25 of the PS Act • allocating an approved classification in accordance with the Public Service Classification Rules 2000 – Rule 6. • imposing conditions of engagement under section 22(6) of the PS Act	A promotion requires: • assigning duties under section 25 of the PS Act • allocating an approved classification in accordance with Public Service Classification Rules 2000 – Rule 6. Where the promotion is between agencies, it also requires movement between agencies under section 26 of the PS Act, supported by agreement <i>in writing</i> between the gaining agency and the employee.	Where a movement at level (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 <i>in writing</i> 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 Act are summarised on the [Fair Work Ombudsman's website](#).

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 after 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 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](#) 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](#) 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 position 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.

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](#). 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](#)

[APS Employee Value Proposition | Australian Public Service Commission](#)

[APS Workforce Strategy](#)

[Diversity and inclusion](#)

[APS Professional Streams \(professions\)](#)

[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](#)

[Recruitment Advertising Policy \(RMG 408\) | Department of Finance](#)

Other resources

[Merit Protection Commissioner \(mpc.gov.au\)](http://mpc.gov.au)

[APSJobs - Gateway to the Australian Public Service \(Public Service Gazette\)](#)

[Information statements - Fair Work Ombudsman](#)

[About good work design | Comcare](#)

Appendix 2 – Frequently asked questions

Topic index

[Advertising and gazettal](#)

[Affirmative measures](#)

[Selection panels](#)

[Merit lists and merit pools](#)

[Conditions of engagement](#)

[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](#)

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 there 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 recommended 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.



Merit-based decisions for selection panels

APS recruitment
Factsheets

Overview

Merit is the fundamental principle underpinning recruitment and promotion decisions in the Australian Public Service.

While requirements for merit-based recruitment are enshrined in legislation, upholding merit means more than complying with the rules. Selection advisory committees, often referred to as selection panels, play an important role in modelling [the APS Values](#) by ensuring that decisions and behaviours throughout a recruitment exercise are aligned with the APS Employment Principles.

Selection panel members should ensure they are aware of:

- legislative obligations for APS recruitment and how they are practically applied, and
- agency recruitment and selection policies.

Applying the APS employment framework

Public Service Act 1999

The Public Service Act provides five principles for merit-based decisions for engagement or promotion:

*1. All eligible members of the community are **given a reasonable opportunity to apply to perform the relevant duties***

Agencies meet this requirement by accurately advertising on APSJobs. Any job advertised on APSJobs is added to the Public Service Gazette. Where additional advertising is used, the closing date notified in the Gazette and the closing dates listed in all other advertisements must be the same.

More broadly, this also means ensuring candidates are given accurate information about the role, duties and any essential requirements, so that they

have a reasonable opportunity present their skills and capabilities to the selection panel through the assessment process.

*2. An assessment is made of the **relative suitability** of the candidates to perform the relevant duties, **using a competitive selection process***

This requires an assessment of a candidate's suitability relative to the other candidates who apply. A competitive selection process means that all candidates for a role are considered in competition with each other. This applies whether there is a single vacancy, multiple vacancies or the intention to form a merit list or merit pool. All candidates in the process must be considered before job offers can be made.

*3. The assessment is based on the relationship between the candidates' work-related qualities and the **work-related qualities genuinely required to perform the relevant duties***

Selection panels must have a shared understanding of the work related qualities genuinely required for the role. The chosen assessment tools and methods must be appropriate to measure and assess those work related qualities. For example, if agencies leverage automated tools to assist with the assessment of candidates, agencies must understand *what* work related qualities the tool is assessing, whether the assessment method is sound, and how any algorithmic biases are mitigated.

*4. The assessment focuses on the **relative capacity of the candidates to achieve outcomes related to the relevant duties***

An assessment of the candidate's capacity to achieve outcomes considers how the candidate demonstrates their work-related qualities through the assessment process. It may also consider

related qualities such as drive, initiative, and ability to contribute to diverse thinking or other behavioural qualities that relate to a candidate's ability to deliver in the context of the role.

5. *The assessment is the primary consideration in making the employment decision*

Panels consider all information obtained through the assessment process and make judgements based on how well candidates meet the requirements of the job regarding the candidate's current skills, knowledge and work related qualities.

***Australian Public Service
Commissioner's Directions 2022***

The Commissioner's Directions outline 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.

At each stage of the recruitment process – planning, attracting and selecting – selection panels and supporting recruitment teams should consider how their planned recruitment activity aligns with these requirements. Ensuring these elements are met helps to promote a streamlined and efficient process.

Did you know?

Merit based recruitment does not require that every candidate is subject to exactly the same assessment. Provided the panel can ensure a comparative assessment of the same work-related qualities, selection methods can be adapted to suit the needs of applicants and the panel. Candidates must have an equitable opportunity to demonstrate their claims against the selection criteria and decisions must be clear and defensible. If a selection panel can't show how two different assessment methods have provided candidates with an equal opportunity to demonstrate their skills, an alternative selection method should be considered.



Australian Government
Australian Public Service Commission

Guide on merit in the Australian Public Service



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Contents

Disclaimer	5
Overview	5
Purpose	5
Why is merit important?	6
Building a diverse workforce	6
Defining merit – APS Legislative Framework.....	7
The requirements - <i>Public Service Act 1999</i>	7
Requirement 1: All eligible members of the community are given a reasonable opportunity to apply to perform the relevant duties.	8
Requirement 2: An assessment is made of the relative suitability of the candidates to perform the relevant duties, using a competitive selection process.....	9
Requirement 3: The assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required to perform the relevant duties.	11
Requirement 4: The assessment focuses on the relative capacity of the candidates to achieve outcomes related to the relevant duties.....	13
Requirement 5: The assessment is the primary consideration in making the employment decision.	14
The elements - <i>The Australian Public Service Commissioner's Directions 2022</i>	15
Element 1: The aim and purpose of the selection process is determined in advance.	16
Element 2: Information about the selection process is readily available to candidates.	16
Element 3: The selection process is applied fairly in relation to each eligible candidate.	17
Element 4: The selection process is appropriately documented.	18
Further guidance on the elements of merit	19
Reasonable adjustments.....	19
Modified merit.....	20
Affirmative measures	20
Non-ongoing engagements (including casual employees).....	21
Engagement of a non-APS employee following a machinery of government change	21
Engagement of an ongoing Parliamentary Service employee as an ongoing APS employee	21
Engagement of ongoing APS employee as a non-ongoing APS employee	21
Engagement of non-ongoing APS employee as ongoing employee in exceptional circumstances	21

Re-engagement of election candidates	22
Re-engagement of a former APS employee.....	22
Promotion after appointment to a statutory office	22
Engagements of persons from a state or territory jurisdiction	22
The history of merit in the APS	23
Glossary	25
Further information	27
Other resources	27

Disclaimer

This guidance has been developed to support APS agencies understanding the Australian Public Service merit principle. The Australian Public Service 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.

Overview

Purpose

The Australian Public Service is a career-based service that makes fair and transparent employment decisions to drive a high-performance culture and to build a diverse workforce that reflects the community it serves.

Merit-based recruitment decisions are foundational to an effective and ethical workplace. They are crucial to ensuring the APS workforce has the right skills and capabilities to perform to a high standard and meet the expectations of Government and the community. This guide is designed to help APS agencies understand the principle of merit, which serves as the foundation for undertaking an effective recruitment process that can withstand scrutiny. It focuses on explaining the principle of merit in a straightforward way, with the aim of supporting agencies to uphold merit while also building innovative, responsive and flexible recruitment processes that meet individual agency needs.

While this guide has been prepared for HR practitioners, it will also be useful for hiring managers, selection panel members, and others involved in APS recruitment. It covers the key requirements of merit-based selection, why they are important and how agencies can achieve each requirement.

What is merit?

Merit is a fundamental principle underpinning APS engagement and promotion decisions. The merit principle requires the APS to make recruitment and selection decisions based on a candidate's skills and abilities, assessed through a competitive process and conducted with integrity.

The purpose of merit is to ensure the candidate(s) with the most suitable skills and experience for the role is selected. However, merit doesn't need to result in a process that is complicated or time-consuming. Merit-based recruitment processes can be flexible and tailored to the specific role and agency requirements, provided it aligns with the APS Values and Employment Principles, which are set out in sections 10 and 10A of the [Public Service Act 1999](#) (PS Act). Ultimately, merit strengthens workforce capability and team effectiveness by attracting and selecting the most suitable candidate or candidates.

Merit aims to provide equal access to opportunities by ensuring that everyone is assessed against the same criteria regardless of background, identity or personal connections. While merit aims to support fairness in recruitment, it may fall short in achieving fairness in outcomes where unconscious bias and structural inequities are not acknowledged and appropriately managed.

Why is merit important?

“Application of the merit principle is essential for the preservation of an impartial APS in which staffing decisions are not influenced by nepotism or patronage. It is also central to the aim of enhancing the efficiency of the APS by selecting the best people for employment and advancement.”¹

Merit supports fair, transparent employment decisions based on a candidate’s work-related qualities. It also helps build a workforce that meets community expectations and helps build and maintain public trust. Merit also promotes an equal opportunity for all candidates, considering diversity and building an APS workforce that is reflective of the community it serves. Merit-based recruitment processes minimise the potential for cronyism, patronage and nepotism which is essential to maintaining public trust.

Building a diverse workforce

The public service is legislatively² bound to foster a workforce that reflects the diversity of the Australian community. The public service acknowledges that engagement of people with diverse backgrounds, abilities and perspectives, supports the APS to design and deliver better policy and service delivery for all Australians. This includes setting the standard as a model employer by building an APS which represents the Australian population including people of all ages, genders, cultural backgrounds, disabilities, First Nations peoples, LGBTIQ+ people, and people who consider themselves to be neurodivergent.

The need to foster a diverse workforce is in alignment with the merit principle. Hiring practices that appropriately account for diversity and inclusion enable the APS to unlock diverse talent pools, which can lead to greater innovation, productivity, effectiveness and integrity. The application of diversity and inclusion ensures that when undertaking merit-based selection processes, agencies critically evaluate what work-related qualities are genuinely required to perform the role. This means challenging and re-assessing the role based on genuine requirements, rather than how the role has always been filled.

The APS also undertakes specific measures to address the under-representation of diversity groups, including Aboriginal and/or Torres Strait Islander peoples and people with disability. Diversity recruitment initiatives aimed at engaging and promoting employees of diverse backgrounds are undertaken in accordance with a merit-based selection process. Candidates are assessed based on their work-related qualities, which may also include broader skills, styles and characteristics such as emotional intelligence, cross-cultural awareness, and cultural intelligence.

There are a number of strategies and initiatives in place that support building a diverse and inclusive workforce. Please see the [Diversity and inclusion strategies webpage](#) for further information.

¹ The McLeod report 1994

² The Public Service Act 1999, section 10A(1)(g)

Defining merit – APS Legislative Framework

The merit Principle and the elements of merit are set out in the APS Legislative Framework.

Subsection 10A(2) of the PS Act states:

For the purposes of paragraph (1)(c), a decision relating to engagement or promotion is based on merit if:

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

Further, section 24 of the *Australian Public Service Commissioner's Directions 2022* (the Directions) states:

A selection process meets the requirements of this Subdivision if all of the following apply:

- a. the aim and purpose of the selection process is determined in advance;*
- b. information about the selection process is readily available to candidates;*
- c. the selection process is applied fairly in relation to each eligible candidate;*
- d. the selection process is appropriately documented.*

The requirements - *Public Service Act 1999*

The APS Employment Principles, set out in section 10A of the PS Act, comprise values that relate to workplace relationships. The APS Employment Principles stipulate that decisions relating to engagement and promotion are based on merit.

Subsection 10A(2) of the PS Act outlines the five requirements that must be met in order for employment decisions to be considered merit based. Each of the five requirements are of equal importance. Together, the requirements assist to build diversity, inclusion, equal opportunity and community trust by eliminating nepotism, cronyism and favouritism from APS recruitment. For an engagement or promotion decision to be based on merit, the recruitment process must be consistent with all five requirements.

Requirement 1: All eligible members of the community are given a reasonable opportunity to apply to perform the relevant duties.

What is this requirement and why is it important?

The merit principle requires that all eligible members of the public have an opportunity to compete for public service employment, on their own merits.

Agencies aim to recruit the most suitable candidate(s) with the right skills, capabilities and experience for a role. Because the most suitable people may not be current APS employees, agencies must provide clear, accurate and transparent information about the role to maximise their ability to attract and select the right candidates.

If this information is not provided, agencies limit the opportunity for all eligible members of the community to apply, and risk limiting the candidate pool, potentially missing out on talented candidates.

What is the practical application of this requirement?

Agencies can apply this requirement to their recruitment processes in the following ways.

Notify (advertise) the vacancy so it is accessible to the community

- ✓ the legislation prescribes that APS vacancies must be notified in the Public Service Gazette (PS Gazette). Agencies can include their vacancy in the PS Gazette by advertising on the APSJobs platform
- ✓ to demonstrate reasonableness, notifying the vacancy for **14 days** is recommended. However, agencies may consider a shorter notification period of 7 days or more. In exceptional circumstances, an Agency Head may provide approval for a period of less than 7 calendar days
 - notifying for a period less than 14 days may sometimes be reasonable in circumstances such as urgent business needs, time-sensitive projects or short-term vacancies. If such circumstances apply, it is incumbent on the advertising agency to document why the circumstances warranted a shorter notification period
- ✓ if additional platforms are used to advertise the vacancy, such as other online job boards, the opening and closing dates should be aligned across all platforms. If this is not possible, external advertising must occur within 4 weeks before or after the PS Gazette notification in accordance with subsection 25(7) of the Directions, and must have the same closing date as the day specified in the PS Gazette notification

Provide clear and accurate information about the vacancy

- ✓ clearly state the classification level, especially when advertising for multiple positions
- ✓ use plain language to accurately describe the duties and responsibilities
- ✓ clearly distinguish the essential (inherent) and the desirable requirements
- ✓ avoid jargon and unexplained acronyms

Provide clear and accurate information about the selection process

- ✓ provide reasonable information about the selection process, for example, the types of assessment activity that will be used, and whether AI or other automated tools will be used to assist with the process and how these will be used

- ✓ ask candidates if they require reasonable adjustments to be able to fully participate in the recruitment process
- ✓ provide information to candidates on how to apply, who to contact if they have questions about the role or agency and what to expect during the recruitment process

Be transparent about how merit lists or pools³ will be utilised

- ✓ be clear on the employment type of current and/ or future vacancies (ongoing/non-ongoing)
- ✓ be clear on the location(s) of the current vacancy(ies)
- ✓ be clear if flexible work arrangements can be accommodated e.g. full-time or part-time, remote, hybrid working or in office
- ✓ be clear on the location(s) of future vacancy(ies) that the merit list or pool may be utilised to fill

Agencies are encouraged to carefully review all information for vacancy advertisements before publishing in the PS Gazette to ensure the information is clear, accurate and accessible. This will assist in attracting candidates with the right skills and experience.

When agencies are considering how to be transparent with candidates about their vacancy, it is recommended that agencies consider other information that may be beneficial for a candidate to be informed of. For example:

- guidance on how candidates should structure their application (e.g. requesting a short cover letter addressing the selection criteria)
- insights into team style (e.g. this role is suited for a candidate who enjoys problem solving and a feedback centred team)
- information about the employment conditions, such as salary, entitlements etc.
- use of plain language to ensure information is clearly communicated.

Requirement 2: An assessment is made of the relative suitability of the candidates to perform the relevant duties, using a competitive selection process.

What is this requirement and why is it important?

This requirement is designed to ensure candidates are assessed in comparison to one another, with each candidate's suitability to perform the role evaluated relative to all other candidates. Specifically, candidates are assessed based on how well their skills, experience and qualifications are aligned with the duties of the role as set out in the job advertisement, in comparison to the other candidates that applied for the role.

Assessing the relative suitability of candidates is important because it assists selection panels to make objective, fair and unbiased employment decisions ensuring the most suitable candidate(s) are selected for the advertised role.

What is the practical application of this requirement?

To achieve this requirement, agencies must conduct competitive selection processes to compare all candidates' skills, experience and qualifications against the same role requirements and against each other.

³ For the purpose of this guide the term merit list is used to refer to the various types of merit lists created by agencies, including ranked merit lists, merit pools and ranked merit pools.

Competitive selection must occur throughout all stages of recruitment ensuring each candidate is assessed fairly and consistently. At each stage, including shortlisting, screening processes, interviews, assessments and decision-making, candidates must be compared against the requirements of the role, as well as against each other. This helps determine each candidate's suitability at each stage and supports informed decisions about which candidates should progress through the stages of the process.

For bulk recruitment processes, agencies must ensure that where multiple roles are advertised using the same Gazettal notice, the comparative assessment of candidates is separate for any roles that are not similar (in accordance with the definition of similar vacancy in section 9 of the Directions). This means that separate merit lists need to be created for all roles that are not similar. This doesn't mean that candidates are required to complete different assessment tasks (for example, submit separate applications or undertake multiple interviews), but candidates can only be compared against other candidates for the same roles.

For example, roles may be advertised together but not be similar because:

- they are different classifications, e.g. APS4 and APS5
- they require different work-related qualities, this includes technical/job specific work-related qualities, e.g. executive assistant role, customer service role and policy officer all have some similar work-related qualities but require different role specific work-related qualities that mean the roles are not similar

Where the same assessment process is used to assess different roles, agencies can structure the assessment to enable consideration of the different work-related qualities. For example, using different questions to assess different technical or job-specific work-related qualities, or developing questions to enable assessment at various classification levels. Further information is available on the [APSC Factsheet: Bulk recruitment](#)

Assessment of candidates

Agencies should:

- ✓ ensure the duties and role requirements are well understood by all panel members prior to commencing assessment
- ✓ ensure the aim of each assessment activity is well understood by all panel members prior to commencing assessment
- ✓ consider using a comparison matrix evaluation tool
- ✓ use a standardised evaluation form
- ✓ ensure the assessment methods are suitable to assess the skills the panel is trying to assess
- ✓ ensure separate comparative assessments and merit lists are created for roles that are not similar

Panels:

- ✓ should have a shared understanding of what a high-level candidate response should outline versus what an insufficient response lacks, ensuring consistency in evaluation
- ✓ should ensure candidates are evaluated in relation to the duties of the role – not just a classification
- ✓ should undertake independent candidate assessments, before discussing together (this does not need to be in writing and does not need to be included in the selection report)
- ✓ should consider using multiple assessment methods to support well-rounded evaluations of candidates' skills and experience

- ✓ must have a shared understanding of the rating system being used
- ✓ should have clear and aligned understanding of the pre-determined role requirements, and assessment criteria

Candidates must be assessed in competition

- ✓ ensure candidates are compared to all other candidates in contention for the role to determine suitability, not just a benchmark
- ✓ where a candidate or group of candidates is able to demonstrate a higher level of suitability, ensure this is reflected in any resulting merit list or ranked merit pool
- ✓ ensure merit lists or pools consist of candidates who are reasonably likely to be offered a role

In practice, this means that at each stage of the recruitment process, e.g. shortlisting, interview etc., candidates are assessed against the pre-determined criteria and comparatively against each other to determine the most suitable candidate(s) for the role.

Requirement 3: The assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required to perform the relevant duties.

What is this requirement and why is it important?

This requirement ensures the assessment focuses on evaluating the skills and experience directly relevant to perform the role. It is designed to promote fair and transparent recruitment processes by assessing candidates against the role requirements and not on other unrelated factors, such as race, age, gender or sexual orientation.

What is the practical application of this requirement?

To achieve this requirement agencies must consider the following two elements:

Identify and define the role requirements that are genuinely required to perform the role.

The term 'genuinely required' means the specific work-related qualities that are truly required to perform the duties of the role. They must relate directly to the core responsibilities and requirements of the role, this includes both classification specific work-related qualities (as detailed in the Work Level Standards) and role specific/technical work-related qualities.

Work-related qualities are defined in Section 5 of the Directions as follows

Work-related qualities

Section 5 of the Directions provides seven broad examples of work-related qualities:

Skills and abilities (including experience) for example:

- communication
- project management
- problem solving
- Qualifications, training and competencies for example:
- formal certificates, degrees
- professional development short courses

Standard of work performance for example:

- attention to detail
- meeting deadlines
- delivering quality work

Capacity to produce outcomes from effective performance at the level required for example:

- delivering projects
- improving processes

Relevant personal qualities for example:

- resilience
- ability to work with ambiguity
- integrity

Demonstrated potential for further development for example:

- willingness to learn
- taking initiative to build new skills
- seeking feedback

Ability to contribute to team performance for example:

- team collaboration
- supporting colleagues
- contributing to positive team culture

It is important that selection panel members have a shared understanding of the work-related qualities required to perform the role. This supports the selection panel members to assess candidates' work-related qualities against the same criteria. Panel members may use a variety of tools to ensure they have a good understanding of the role, including discussing the role with other panel members, the

delegate and/or other subject matter experts, reviewing the position description, organisational chart and understanding the role's stakeholders and level of responsibilities.

Having a subject matter expert on a panel provides valuable insight into both the design of the assessment tools, as well as the evaluation of candidates. Subject matter expert's can provide expertise to ensure the assessment tools are fit for purpose and that candidates are evaluated against the role specific requirements in an informed way.

To help articulate standards of work to assess candidates against, agencies may use tools such as the:

- [APS Values](#)
- [APS and Executive Work Level Standards](#)
- [Secretaries' Charter of Leadership Behaviours \(DRIVE\)](#)
- [SES Work Level Standards](#)

Consider if the role requirements are essential (inherent) or desirable:

- ✓ essential (inherent) requirements are core components, such as knowledge, skills and abilities, required to perform the duties of the role. They may also include essential qualifications/certificates e.g. law degree. Where a role is advertised as requiring an inherent requirement or mandatory qualification, candidates who do not hold that qualification cannot be found suitable for the role, or
- ✓ desirable requirements are those that may be beneficial for the role but not required or may be able to be learnt while performing the role. These may include a professional certification or certain years of experience in a field.

Requirement 4: The assessment focuses on the relative capacity of the candidates to achieve outcomes related to the relevant duties.

What is this requirement and why is it important?

This requirement centres on how an agency evaluates a candidate's demonstrated ability to deliver and achieve specific outcomes expected for the role. It is important to recognise that outcomes go beyond just deliverables. They should reflect the candidate's overall work-related qualities, including personal qualities, behaviours and values.

The merit principle provides maximum flexibility for agencies to utilise what they determine to be the most appropriate assessment methods and tools to assist them to select the most suitable candidate(s) for a role. For example, assessments need not be limited to a structured interview. Panels may choose to use written assessments, scenario-based assessments, work samples, presentations or a combination, depending on the nature of the role.

What is the practical application of this requirement?

With a well-defined understanding of the role requirements (as outlined in requirement 3) and consideration of each agency's unique working environment, this requirement can be met by:

Choosing appropriate assessment methods and tools suited to evaluating a candidate's demonstrated ability to achieve the specific outcomes required for the role.

A selection and assessment process should provide candidates with the opportunity to demonstrate their skills and capabilities and how they relate to the skills and capabilities required for the advertised role. The selection panel is responsible for determining which assessment methods and tools are most appropriate to assess candidates' skills, knowledge and capability and their overall suitability to perform the role.

There are a number of different assessment methods and tools that agencies can utilise to effectively assess candidates' suitability for a role. Examples of assessment methods and tools can be found in the [APS Recruitment Guide](#).

In determining the most appropriate assessment methods, consideration should be given to the full scope of the role (e.g. how technical versus leadership skills might be assessed) and this should be decided in advance of the role being advertised (in accordance with element 1 and 2).

However, there may be circumstances where changes to planned assessment methods may be considered reasonable. For example, where an agency receives an unexpectedly high volume of applications and introduces an additional shortlisting step to identify candidates to progress.

When considering changes to advertised assessment methods, agencies should be mindful of ensuring that any change made does not unintentionally compromise equal opportunity for all eligible members of the community to apply.

Where previously communicated assessment methods do change during a recruitment process, agencies should inform all candidates of the changes at the earliest opportunity to support a merit-based selection process and ensure candidates have information about the selection process readily available to them.

It's important that agencies ensure the determined assessment methods and tools are applied in a way that provides all candidates equal opportunity to demonstrate their suitability for the role.

Requirement 5: The assessment is the primary consideration in making the employment decision.

What is this requirement and why is it important?

This requirement aims to ensure fair and transparent recruitment processes by requiring selection panels to only assess information collected during the selection process. This means decisions are based on only the information collected throughout the assessment process and ensures the focus remains on the candidates demonstrated ability to achieve the requirements of the role.

Making the assessment of candidates' work-related qualities the primary focus assists to eliminate any conscious or unconscious biases and helps ensure employment decisions are free from nepotism, cronyism, patronage and favouritism.

Secondary considerations may be taken into account where candidates are otherwise equal on merit. These should be directly relevant to the role requirements and be within the control of the candidate. For example, a candidate's:

- ability to start by a particular date
- willingness to relocate
- particular skillset or experience that would benefit the team, or
- ability to meet other reasonable agency requirements.

Personal characteristics including, but not limited to, race, age or sex cannot be considered when differentiating between equally suitable candidates.

To ensure transparency and accountability of decision-making, agencies must justify candidate selections, including any secondary considerations and clearly document all employment decisions.

What is the practical application of this requirement?

The selection process is the candidate's opportunity to put forward their work-related qualities, as they relate to the role, for assessment by the selection panel.

Selection panels must base their assessment of candidates' suitability for the role on only the information that has been collected throughout the assessment process.

Selection panels must be mindful of not relying on untested information they may know about candidates. For example, where a member of the panel has prior knowledge of a candidate and has views about their performance, or where the panel receives or solicits information about a candidate outside the planned recruitment activities to support the merit-based process (e.g. to test the claims of the candidate). Such information cannot be used alone to favour or disfavour a candidate. However, the accuracy and relevance of the information could be tested through the selection process, for example, by asking additional interview questions or through referee checks.

Importantly, where the panel receives or solicits information outside the planned recruitment activities as outlined above, in order for this information to be considered by the panel, the candidate will need to have been provided with a collection notice that informs the candidate that the agency and the panel may obtain personal information through its own inquiries, including information collected outside planned recruitment activities or from sources other than the nominated referees. Further to this, the information collected must be limited to information required in order to assess work-related qualities and must be fully documented. Where information received is adverse, the panel must provide the candidate with procedural fairness. As a general principle, procedural fairness requires the candidate to be advised of the nature of the adverse comments and provided with an opportunity to respond before a decision is made. It does not require the panel to provide the candidate with the actual referee report or the name of the person who provided it. For example, the panel may advise the candidate that the referee reports they received indicated the candidate had been subject to performance management concerning workplace behaviours. The panel can then provide the candidate with an opportunity to respond.

The approach taken by selection panels will need to be considered on a case-by-case basis.

Selection panels must document the assessment methods, the information collected and the assessment outcome in the selection report so the delegate can see how the information collected has been used to assess candidate suitability.

While agencies have discretion to determine the activities to include in a selection process, it is generally expected the assessment will include referee and integrity checks. Information from referee and integrity checks form part of the assessment and should inform the employment decision.

The elements - *The Australian Public Service Commissioner's Directions 2022*

In addition to the requirements of merit defined in the PS Act, section 23 of the Directions prescribes the standards Agency Heads and APS employees must meet to uphold the APS Employment Principles (see paragraph 10A(1)(c) of the PS Act) as it relates to employment decisions.

Further, section 24 of the Directions outlines four key elements that must be met for a recruitment process to be merit-based.

These elements are important because they support agencies to meet the five requirements of merit outlined above. They ensure recruitment processes are consistent with merit, promoting fairness, transparency, equal opportunity and objective decision-making.

Element 1: The aim and purpose of the selection process is determined in advance.

What is this element and why is it important?

Determining the aim and purpose of a selection process in advance is crucial. It ensures selection processes are consistent with merit by assisting agencies to clearly define the role requirements and to determine the most appropriate assessment methods and tools for the process.

Clear role requirements enable transparency and fairness in selection processes, attracting candidates with the right skills, capabilities and experience. It also ensures all eligible candidates have a reasonable opportunity to apply.

What is the practical application of this element?

Before advertising a vacancy, agencies should take the time to thoroughly plan their recruitment process. This means agencies should:

- ✓ understand the number of vacancies to be filled, and the:
 - employment type (ongoing/non-ongoing),
 - classification,
 - location, and
 - work arrangements
- ✓ establish if a merit list or pool will be formed for filling any similar future vacancies, and whether the merit list or pool will be shared with other APS, Parliamentary Services and Intelligence agencies
- ✓ clearly define the role requirements, including the duties and role responsibilities, determine the inherent requirements of the role and if there are any desirable requirements
- ✓ ensure the classification of the role is aligned with the work level standards of the relevant classification
- ✓ determine what assessment methods and tools are most appropriate to enable the selection panel to effectively assess candidates' suitability for the role.

Having a clear understanding of the aim and purpose of a recruitment process prior to advertising sets agencies up for success, ensuring the selection panel has clear expectations of what they need to do and that the advertisement will attract the right candidates.

Element 2: Information about the selection process is readily available to candidates.

What is this element and why is it important?

This element is important because it ensures candidates have a clear understanding of what the role is and what to expect during the recruitment process. Further, it allows candidates to make informed decisions about whether they have the required work-related qualities needed to perform the role and if they should apply.

It also ensures candidates can appropriately address the role requirements / selection criteria and demonstrate their suitability for the role when applying.

What is the practical application of this element?

Agencies need to ensure clear and concise information related to the recruitment process is included in the advertisement. Agencies must include the following information in the role advertisement:

- ✓ the duties and responsibilities of the role
- ✓ any mandatory or desirable requirements e.g. driver licence, specific qualifications
- ✓ the classification level of the vacancy
- ✓ the employment type of current and/ or future vacancies (ongoing/ non-ongoing)
- ✓ the location(s) of the current vacancy(ies)
- ✓ the office and flexible work arrangements that can be accommodated e.g. remote, hybrid working or in office
- ✓ the location(s) of future vacancy(ies) that the merit list or pool may be utilised to fill
- ✓ clarification on conditions of engagement in accordance with subsection 22(6) of the PS Act e.g. probation, security clearances, organisational suitability assessments, essential qualifications or character clearances

In addition, agencies should ensure they have processes in place to provide candidates with information on:

- ✓ what assessment methods or tools will be used to assess the candidates, including any planned use of AI as part of the assessment
- ✓ how many roles are being advertised, for example will the agency be advertising one vacancy or conducting bulk recruitment
- ✓ a contact officer who has sufficient knowledge of the role and is able to answer questions. This may or may not be a panel member
- ✓ timeframes for the process

This information could be:

- included in the advertisement
- included on the agency's website
- communicated directly to candidates
- made available to candidates who request the information, or
- via another mechanism.

Being transparent about the whole recruitment process supports agencies to attract candidates with the right skills, capabilities and experience required for the role and provides candidates with assurance that recruitment processes are transparent and fair.

Element 3: The selection process is applied fairly in relation to each eligible candidate.

What is this element and why is it important?

The community holds high expectations of the APS, and this element supports the APS in meeting those expectations by ensuring employment decisions are fair and transparent. This element ensures all eligible community members have a reasonable and equal opportunity to apply for, to demonstrate their work-related qualities and be considered for an advertised role, regardless of their background.

This means that all candidates, regardless of whether they are internal or external, should be treated similarly throughout the recruitment process, and not be impacted by barriers, prejudices or preferences. It is important to highlight that the selection process must be applied *fairly* in relation to

each eligible candidate, however this does not mean the selection process must be identical for each candidate.

The procedural aspects of the recruitment processes must also be managed fairly. These procedures are key to supporting a consistent and equitable selection process. Such as:

- appropriate management of conflicts of interest
- candidate care (e.g. avoiding delays, providing updates, providing feedback)
- appropriate panel conduct (e.g. acting professionally, treating candidates consistently and respectfully, maintaining confidentiality, adhering to relevant policies/procedures)

What is the practical application of this element?

In practice, this element requires agencies to clearly understand the aim and purpose of selection processes and determine the assessment methods and tools that will be used in advance of the process commencing, as well as ensuring that all necessary information is communicated to candidates throughout the process.

Agencies also need to consider how they can ensure that candidates have an equal opportunity to demonstrate their skills, abilities and qualities required for the role. This includes:

- ✓ designing selection processes so they do not unfairly advantage internal candidates over external candidates
- ✓ asking questions in a way that all candidates can fully demonstrate their skills and experience, including the transferability of skills to an APS context
- ✓ avoiding reliance on agency specific jargon or assumed knowledge about internal processes
- ✓ ensuring that candidates are provided with the opportunity to request reasonable adjustments throughout a process to enable each candidate to participate in the process to their full ability

To do this, agencies may choose to provide candidates with the option of using the assessment method and tool that they are most comfortable with; however, in doing this, agencies must ensure that proposed options of assessment methods and tools are being used to assess the same work-related qualities. This is called a differentiated recruitment process.

Agencies must ensure that using different assessment methods and tools for individual candidates does not impact the ability of the selection panel to comparatively assess all candidates fairly. Agencies must be able to demonstrate how the different assessment methods and tools allow the selection panel to assess the same work-related qualities. It is important to clearly document why those methods were used and how they evaluated the skills needed for the role. Further information and guidance can be found in the [Differentiated Recruitment Factsheet](#).

Element 4: The selection process is appropriately documented.

What is this element and why is it important?

Merit-based selection processes must be clearly and accurately documented, and decisions must be defensible. Sound record-keeping practices ensure transparency and accountability of decision-making and support agencies if a selection process is subject to a review process. This also helps improve efficiency when considering candidates for future vacancies where a merit list or pool has been created.

Documenting the selection process is important to demonstrate to the delegate that all aspects of merit have been met. It also reinforces the delegate's responsibility to ensure that the principles of merit are upheld and are clearly evidenced in the decision-making process.

What is the practical application of this element?

Agencies can achieve this element by clearly and accurately documenting the selection process in a selection report. The selection report must demonstrate how a selection panel has:

- assessed candidate suitability against the work-related qualities required for the role, and
- comparatively assessed candidates to determine relative suitability (including reflecting high-performing candidates appropriately in any merit list or ranked merit pool).

The selection report should also outline the information collected by the selection panel at each stage of the selection process (e.g. application, interview, referee reports) as well as the recommendations being made to the delegate regarding which candidate(s) were suitable/unsuitable. If the agency is forming a merit list or pool, the selection report should detail which candidates are in the list or pool (this includes where a candidate is being recommended for engagement/promotion).

It is good practice to ensure that where adverse referee comments are made that may negatively impact a candidate's assessment and influence a decision on their suitability, that any reply from a candidate is also recorded in the selection report. Recording all this information accurately provides the delegate with sufficient evidence to determine if the process was consistent with merit and that the most suitable candidate(s) have been selected to fill the role.

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 must 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/government-agencies).

Further guidance on the elements of merit

Agencies must ensure that the requirements and elements of merit outlined in this document are met at each stage of the recruitment process (for example planning, attracting and selecting) including when using an outsourced recruitment provider. Ensuring these requirements and elements are met helps to promote transparent, fair and efficient selection processes.

When selecting a candidate from a ranked merit list, merit pool or ranked merit pool, agencies must ensure that the decision is made in accordance with the Employment Principles and the reason for the decision is documented.

Reasonable adjustments

Reasonable adjustments in a recruitment process are adjustments or changes made to the process to support a candidate to have a fair and equal opportunity to demonstrate their skills and experience relevant to the role they have applied for.

Selection assessments are undertaken to allow the selection panel to identify candidates' work-related qualities and capabilities. Selection panels should consider and focus on what needs to be assessed, rather than how it is assessed.

While the selection process must be applied *fairly* to each eligible candidate, it does not mean they must be identical for each candidate. Supporting reasonable adjustments provides fairness by removing barriers and giving all candidates (such as those with disability), an equal opportunity to participate to their full ability. Fairness is achieved by recognising and accommodating individual needs, rather than applying the same approach for all candidates regardless of their circumstances.

Other important considerations to take into account when considering a reasonable adjustment request may include:

- will supporting the reasonable adjustment adversely impact on a merit-based assessment or would it enable the equitable participation of a candidate?
- can the agency accommodate the request? For example, does it impose an unjustifiable hardship on the agency or disproportionately impact on the fairness of the process.
- does the assessment scenario accurately reflect the day-to-day duties required for the role? For example, a candidate who has applied for an APS 4 Administration Officer, has requested to receive the interview questions 24 hours prior to the interview due to their anxiety condition. The agency agrees to the reasonable adjustments and acknowledges that the incumbent of the role will not be expected to regularly manage high pressure, short turnaround requests (such as in an interview setting) without appropriate support in place to manage such tasks.

It is important that all requests for reasonable adjustments be considered on a case-by-case basis, with respect to the individual's needs and specific role requirements.

The best selection outcome will be achieved where reasonable adjustments are supported in circumstances that allow candidates the opportunity to demonstrate their work-related qualities and capabilities to their full ability.

Modified merit

Subdivision C of the Directions outlines circumstances where merit-based selection processes are either modified or, in limited circumstances, are not required. These selection processes are referred to as modified merit processes.

Types of processes where modified merit may be applied include:

Affirmative measures

The Directions (sections 31 to 33 inclusive) provide for targeted measures to increase the diversity of the APS workforce through Affirmative Measures for Aboriginal and/or Torres Strait Islander and disability employment.

An Affirmative Measures recruitment process does not result in a change to the requirements or standards of a role but limits eligibility to people with disability or Aboriginal and/or Torres Strait Islander peoples. These measures support the diversity of the workforce by addressing the underrepresentation of these groups of people within the APS. **Outside of limiting eligibility of who can apply for Affirmative Measures roles, all other merit requirements must be met throughout the process.**

The RecruitAbility Scheme provides for candidates with a disability, who meet the minimum requirements for a position and choose to opt into the scheme, to be advanced to a further stage in the selection process. A candidate meets the minimum requirements of a vacancy if considered to meet the minimum standards that the job requires to perform the duties (for example, work level standards or technical requirements) and any eligibility requirements for the position (e.g. qualifications).

This scheme supports increasing the representation of people with disability in the APS.

Non-ongoing engagements (including casual employees)

A modified merit process may occur where an agency has a short term or casual vacancy. Merit is modified in these circumstances on the basis that it may not be reasonably practicable or cost effective to undertake a full merit-based selection process.

Modified merit in these circumstances requires that a vacancy be, as far as practicable, brought to the notice of the community to provide a reasonable opportunity for eligible members of the community to apply. For example, vacancies can be advertised on an agency's website, job seeker sites, social media or using an agency's or recruitment firm's temporary register. It also requires that the Agency Head must be satisfied that the person to be engaged has the work-related qualities genuinely required to perform the relevant duties.

The engagement term for a non-ongoing engagement following a modified merit process are outlined in section 27 of the Directions. Further information is available on the [Non-ongoing and Casual employment webpage](#).

Types of processes where a merit-based process may not be required include:

Engagement of a non-APS employee following a machinery of government change

In accordance with section 72 of the PS Act, engagement of non-APS employees will occur where it has been determined in writing that non-APS employees will cease to be employed as non-APS employees and will be engaged as APS employees, through a machinery of government change process.

Engagement of an ongoing Parliamentary Service employee as an ongoing APS employee

Section 36 of the Directions provides that an ongoing Parliamentary Service employee may be engaged as an ongoing APS employee where the person is to be engaged at a classification that is comparable to or lower than their Parliamentary Services classification.

Engagement of ongoing APS employee as a non-ongoing APS employee

Section 29 of the Directions provides that an Agency Head may engage an employee who is currently an ongoing employee to perform duties as a non-ongoing employee. For this to occur the person needs to be engaged for a specified term or task, resign as an ongoing employee and be engaged in the non-ongoing duties at the same or lower classification level. Circumstances where this may be considered should be limited, for example, where it is at an employee's request to support their transition to retirement plan.

Engagement of non-ongoing APS employee as ongoing employee in exceptional circumstances

Section 30 of the Directions provides that the APS Commissioner may approve engagement of a non-ongoing APS employee as ongoing only in exceptional circumstances. An Agency Head can only make such request where it is necessary for operations, the duties are more appropriately undertaken by an ongoing APS employee, the person has the work-related qualities required to perform the role,

will be engaged at the same or equivalent classification level and their original engagement was the result of a merit-based process.

Re-engagement of election candidates

In accordance with section 32 of the PS Act, a former APS employee who resigned to contest an election for a member of the House of Parliament of the Commonwealth or of a State, of the Legislative Assembly of ACT or NT or of the Torres Strait Regional Authority, may make a request to the Agency Head to be re-engaged within 2 months of an election result.

Further processes where a merit-based process may not be required on the basis that the individual has previously been selected through an APS, or comparable, merit-based selection and will be engaged at the same (or equivalent) or lower classification level, include:

Re-engagement of a former APS employee

In accordance with section 28 of the Directions, the re-engagement of a former APS employee may occur where an Agency Head is satisfied that the person's employment should not have ended, will settle legal action relating to the termination or an appropriate authority has recommended or ordered the reinstatement of the employee.

Promotion after appointment to a statutory office

In accordance with section 34 of the Directions, the APS Commissioner may authorise a promotion decision of an ongoing APS employee who was granted leave without pay for appointment to a statutory office (where the Commissioner, or representative is required to participate in the selection process for the office), where the appointment has not expired or expired no more than 3 months prior to the request. The promotion (assignment of duties) must be at an APS classification level that is an equivalent level or lower, than the duties of the statutory officer, and the employee must have the required work-related qualities to perform at the classification level.

Engagements of persons from a state or territory jurisdiction

A person who is currently employed by a State or Territory (or an authority of a State or Territory) may be engaged as an APS employee on a non-ongoing basis, to support formalising of secondment arrangements between different levels of government.

The history of merit in the APS

"...all appointments and promotions shall be based upon a just and equitable system excluding all political or other patronage, throwing all appointments open to rich and poor alike, and establishing merit combined with fitness as the only basis of selection"⁴

To better understand the concept of merit in the APS, it's worth looking at the history and how the PS Act has evolved over the years.

1902	Merit enshrined in the introduction of the Public Service Act 1902 (1902 Act), as the principle to staff the APS. This was largely by way of prescribed competitive examinations.	The Public Service Act 1922, reinforced merit, remaining largely unchanged, however operated selectively with preferences to returning soldiers, and restrictions based on gender, marital status, age and background.	1922
1975	Creation of the Merit Protection and Review Agency (now the Merit Protection Commissioner).	By mid-1980's, the majority of the restrictions incorporated in 1922 were removed, with the aim to strengthen the APS capability and eliminate nepotism and patronage in employment decisions.	1980s
1984	The requirement for people to have a reasonable opportunity to apply for roles was introduced into the PS Act.	Merit as we know today, for engagement and promotion decisions, included and defined in the Public Service Act 1999 (PS Act) subsection 10A(2). The APS Values and Employment Principles were also enshrined in legislation.	1999

⁴ Public Service Commissioner's First Annual Report 1904

Embedding merit in the 1902 PS Act was a crucial step forward to achieve the elimination of nepotism and patronage in APS recruitment decisions, yet its initial implementation included several significant exceptions which challenged the overall application and intent of merit. Over the years noteworthy amendments were made to strengthen the application of merit including allowing for all APS vacancies to be open to the public and prevention of discrimination in employment decisions.

The introduction of further anti-discrimination legislation, alongside the establishment of the Merit Protection and Review Agency (now the Merit Protection Commissioner), reinforced the significance of merit and continues to support transparency, accountability and equal opportunity in APS employment.

The incorporation of the APS Values and Employment Principles into the PS Act was a statement reinforcing the APS's identity as an institution and reflected public expectations of the relationship between the APS and government, the Parliament, and the Australian community.

The merit principle as it today provides a framework to support a modern, diverse and accountable APS, starting with fair and transparent selection processes and ensuring the APS engages people with the right capabilities, skills and expertise required for roles. The merit principle, together with the APS Values, Employment Principles and Code of Conduct, shape organisational culture and guide employment decisions and workplace expectations within the APS.

Glossary

Affirmative measures – Aboriginal and Torres Strait Islander employment	A recruitment process in accordance with section 31 of the <i>Directions</i> which allows agencies to open a vacancy so that only Aboriginal and Torres Strait Islander people are eligible to apply.
Affirmative measures – disability employment	A recruitment process in accordance with section 33 of the <i>Directions</i> that enables an agency to open a vacancy so that only people with disability, or a particular type of disability, are eligible to apply.
Affirmative measures – RecruitAbility Scheme	The RecruitAbility Scheme is an affirmative measure provision under section 32 of the <i>Directions</i> and aims to attract and recruit people with disability to the APS.
Australian Public Service (APS)	The APS is defined in section 9 of the PS Act as consisting of Agency Heads and APS employees.
Australian Public Service (APS) employees	An APS employee is a person engaged under section 22 of the PS Act or a person engaged as an APS employee under section 72 of the PS Act.
Australian Public Service Commissioner's Directions 2022 (Directions)	The <i>Directions</i> are developed by the Australian Public Service Commissioner in accordance with subsections 11(1), 11A(1), 11A(2) and 15(6) of the PS Act. The <i>Directions</i> prescribe standards that Agency Heads and APS employees must uphold to meet their obligations under the PS Act. It provides details on the application of the APS Values and APS Employment Principles, and provisions relating to recruitment and selection; performance management; handling of suspected breaches of the Code of Conduct; and other employment matters.
Behaviours	How an employee performs their duties and delivers expected outcomes. Behaviours must be consistent with the APS Values and Employment Principles and comply with the Code of Conduct.
Bulk recruitment	Bulk recruitment, also sometimes referred to as large-scale recruitment, describes recruitment processes that are designed to fill multiple vacancies.
Classification level	The classification listed in the Classification Rules assigned to a role based on an assessment of the duties of the role against the Work Level Standards.
Delegate	For purposes of recruitment, the person who ultimately makes the decision to recruit a candidate to a vacancy. If this person is not the Agency Head, they will need to possess powers delegated by the Agency Head under the PS Act.
Flexible work arrangements	Work options that allow employees (subject to approval) to vary their hours, location, or work patterns (e.g., remote work, flexible start/finish times, job-sharing, part-time hours) to accommodate individual needs.

Inherent requirements	Core components, such as knowledge, skills and abilities, required to perform the duties of the role. They may also include essential qualifications/certificates e.g. a law degree.
Merit pool	A pool of candidates for a vacancy, in respect of which each candidate included in the pool has been assessed as being suitable for the vacancy. That is the candidates have been assessed as equally suitable.
Procedural fairness	A legal requirement in administrative decision-making, procedural fairness requires that a person be given a fair hearing by the decision-maker and, before an adverse decision is made, the person affected by the decision is informed of all information that is adverse, relevant and credible and is given a fair and reasonable opportunity to make a submission in reply. Another requirement is that the decision-maker is free of actual or apprehended bias.
Public Service Act 1999 (PS Act)	The PS Act is the principal act governing operation of the Australian Public Service. 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 Commissioner) and the Merit Protection Commissioner (MPC)- external site and • establish the rights and obligations of APS employees.
Public Service Regulations 2023 (Regulations)	The Regulations provide further detail on the operation of the PS Act. The Regulations have provisions relating to the Code of Conduct; review rights; independent selection advisory committees; the functions of the Commissioner and the MPC; the employer powers of Agency Heads; non-ongoing (temporary) employment arrangements; and the use and disclosure of personal information.
Ranked merit list	A list of candidates for a vacancy, in respect of which each candidate included in the list has been assessed as being suitable and has been ranked in order of suitability
Ranked merit pool	A pool of candidates for a vacancy, in respect of which each candidate included in the pool has been assessed as being suitable for the vacancy and is assigned to a group of candidates with a similar suitability for the vacancy, and each group of candidates is ranked in order of suitability
Reasonable adjustment(s)	Adjustments or changes made to the recruitment process to support a candidate to have a fair and equal opportunity to demonstrate their skills and experience.
Secondary considerations	Factors not directly connected to the work-related qualities of a candidate but within a candidate's control, that may be used to separate candidates who are otherwise assessed as equally suitable for a vacancy. Examples include ability to start by a particular date and willingness to relocate.

Selection panel	Selection panels, sometimes called selection committees, are an important element of the recruitment process. Selection panels assess candidates and make merit-based recommendations to the delegate regarding the suitability of candidates.
Shortlisting	The assessment of candidates' applications to determine which candidates are potentially suitable for the vacancy and will progress to the next stage of assessment.
Unconscious bias	The unintentional stereotypes and beliefs about different social and identity groups that are automatic and/or ingrained and can influence behaviour and perceptions and actions.
Vacancy/role	A specified group of duties that are to be performed by an employee. A role that is the subject of a recruitment process is a vacancy.
Work-related qualities	The qualities a person requires in order to perform the duties of a role. These include: • skills and abilities • qualifications, training and competencies • standard of work performance • capacity to produce outcomes by effective performance at the level required • relevant personal qualities, such as honesty and integrity • potential for further development, and • ability to contribute to team performance.

Further information

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

Guidance on APS employment legislation and policy matters is available on the APSC [website](#).

HR practitioners and senior decision makers seeking further information or advice on applying merit can contact the Employment Policy team via employmentpolicy@apsc.gov.au or call the advice line on (02) 6202 3857.

Other resources

[Recruitment factsheets, case studies and templates](#)

[The APS Recruitment Guide](#)

[Merit Protection Commissioner](#)