

Non-ongoing (temporary) employment

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The following information is in relation to APS employees who are engaged under section 22(2) of the *Public Service Act 1999* (PS Act):

- for a specified term
- the duration of a specified task, or
- to perform duties that are irregular or intermittent.

Non-ongoing (temporary) employment

The usual basis for employment in the APS is as an ongoing employee—section 10A(1)(b) of the PS Act.

The circumstances under which a person can be engaged on a non-ongoing or temporary basis are described in Part 3 of the [Public Service Regulations 1999- external site](#) (the Regulations).

Specified term

Engaging a non-SES employee for a specified term

Regulations 3.5(3) to 3.5(5) relate to the employment of a non-SES employee for a specified term. For more information on the circumstances under which a person can be engaged for a specified term, see the attachments to this page.

Most commonly, engagement is in accordance with Regulation 3.5(3)(a), where

- duties are required for a limited period, and
- the performance of those duties is unlikely to be required at the end of that period.

The period of engagement

- is limited to an initial period of 18 months, and
- must be a reasonable estimate of the time required for the performance of the duties.

If the duties being performed are still required at the end of 18 months, employment can be extended up to a total maximum period of three years.

Examples of where a person may be engaged for a specified term include where an agency has:

- a temporary increase in its workload
- a temporary demand for employees with particular skills
- a need to replace an ongoing APS employee who is on leave or on temporary assignment elsewhere, or
- is waiting to fill a vacancy on an ongoing basis.

Engaging an SES employee for a specified term

Regulation 3.4 provides that a person may be engaged as an SES employee for a specified term not exceeding five years.

However, the engagement cannot be for a total period of more than three years unless it was originally advertised in the Public Service Gazette (the Gazette).

Engaging an SES employee for a specified task

Regulation 3.5(2) provides that a person may be engaged as a non-SES employee for the duration of a specified task if, at the time of the engagement, the agency head is:

- able to reasonably estimate the duration of the task, and
- satisfied that the services of the person are unlikely to be required after the task is complete.

However, the engagement cannot be for a total period of more than three years unless it was advertised in the Gazette.

Irregular or intermittent (casual)

The types of duties covered by this category of employment would generally include:

- one-off short term tasks/duties that do not fit within either the specified term or specified task categories

- when duties need to be performed on an intermittent basis but where there is no regular pattern of work and part-time work is therefore inappropriate, or
- being on call or on a relief roster.

Recruitment

There are different advertising and assessment requirements depending on the type and duration of non-ongoing (temporary) employment.

For a summary of advertising and assessment requirements and extension periods for temporary employment, see the attachments to this page

All engagements in the APS must be consistent with the principle of merit as described in the APS Employment Principles—section 10A(1)(c) of the PS Act.

Requirements for recruitment and selection are set out in Part 4 of the [Australian Public Service Commissioner's Directions 2022- external site](#) (the Directions).

Extending employment

A non-ongoing (temporary) engagement can be extended to maximum periods described in the attachments to this page, where:

- there is a continuing need for the duties to be performed
- the person engaged is performing the duties satisfactorily
- the agency head is satisfied that it is still appropriate for the duties to be performed on a non-ongoing basis, and
- the agency head is satisfied that the extension will contribute to efficient and effective organisational performance.

There may be circumstances where a person is engaged for a specified term to perform certain duties and at the end of that term they are engaged to perform recognisably different duties for another period. This is considered to be a new engagement – not an extension of the original engagement. Normal recruitment rules apply to the new engagement.

For non-SES employees, the Australian Public Service Commissioner may authorise an extension beyond the three year limit, for no more than 12 months, where the agency head considers that the engagement is necessary for the agency's operations and the Commissioner is satisfied that special circumstances exist.

State or territory employees

Under Regulation 3.5(6), an agency head may engage a person as a non-ongoing (temporary) employee for a specified term if:

- the person is an employee of a State or Territory, or an authority of a State or Territory, and
- the agency head has entered into an agreement with a State or Territory, or an authority of a State or Territory, to engage the person as a non-ongoing employee for a specified term.

The period of engagement may be decided by the agency head. Employment in these circumstances is not subject to the time limits for specified term employment or the usual rules regarding advertising and selection.

Non-ongoing jobs that may become ongoing

Where it is possible that a non-ongoing (temporary) job may become ongoing within 18 months, the vacancy can be advertised in the Public Service Gazette (the Gazette) as one that may be filled on either an ongoing or non-ongoing basis. Care must be taken that potential candidates understand that the opportunity is not an ongoing job at the time it is filled.

Filling an ongoing job in this way can only occur if the original job was advertised in the Gazette as either ongoing or non-ongoing.

Engage ongoing employee as non-ongoing

Section 29 of the Directions allows an agency head to engage a person who is an ongoing APS employee as a non-ongoing employee in certain circumstances.

For example, this may be considered as an arrangement to facilitate transition to retirement.

Engage non-ongoing employee as ongoing

Section 30 of the Directions provides that an agency head may ask the Commissioner in writing to authorise the engagement of a non-ongoing employee as an ongoing employee without a recruitment process.

In making the request, the agency head must be satisfied that the:

- duties of the job are more appropriately undertaken by an ongoing employee
- person to be engaged has the work-related qualities genuinely required to perform the relevant duties
- proposed ongoing job is at the same classification as the non-ongoing job
- original non-ongoing engagement followed advertisement of the vacancy in the Gazette, and
- engagement is necessary for the agency's operation.

The Australian Public Service Commissioner may authorise the engagement if they are satisfied that exceptional circumstances exist to justify the engagement.

Section 30 of the Directions should not be regarded as a means of circumventing advertising and selection processes or correcting administrative errors.

Downloads

[Non-Ongoing Employment - Legislation](#) (DOCX - 249.58 KB)

[Non-Ongoing Employment](#) (DOCX - 259.5 KB)

[Non-Ongoing Employment - Non-SES engagements for a specified term \(Public Service Regulation 3.5\(3\)\)](#) (DOCX - 257.91 KB)