

Merit Lists - Frequently asked questions (FAQs)

1. Is it mandatory to share a merit list with other agencies?

Agencies are required to provide access to merit lists created for **SES vacancies** and **centrally coordinated entry-level programs**.

Access to merit lists for other vacancies is at the discretion of the advertising agency.

The advertising agency can continue to access shared merit lists for similar vacancies within their own agency.

Where a suitable candidate has advised that they do not wish to be considered by other agencies, do not share their details.

Legislation: Sections 9 and 19 of the Australian Public Service Commissioner's Directions 2016; Australian Privacy Principle 6.

2. Do I have to share my agency's merit list for graduates?

Merit lists created from a centrally coordinated graduate program must be shared if requested by another agency. Centrally coordinated programs include any recruitment exercise undertaken to fill similar jobs across multiple agencies. For example, the Australian Public Service Commission conducts an Indigenous Graduate Program for graduate roles across the APS. Similar jobs include designated graduate roles at the same classification; either the training classification 'Graduate APS' or an APS level classification used for the purpose, such as APS Level 3 or 4.

Access to a graduate merit list that is not part of a centrally coordinated recruitment exercise is at the discretion of the advertising agency. Agencies are strongly encouraged to share all graduate merit lists. The Australian Public Service Commissioner is considering amendments to his Directions for greater consistency in sharing merit lists in these circumstances. Legislation: Sections 9 and 19 of the Australian Public Service Commissioner's Directions 2016

3. Do I have to share my agency's merit list for other entry level programs, like cadets or trainees?

Merit lists created from a centrally coordinated entry-level program must be shared if requested by another agency. Centrally coordinated programs include any recruitment exercise for entry-level positions undertaken to fill similar jobs across multiple agencies. Similar jobs include designated training roles with similar duties at the same classification; either a training classification or an APS level classification used for the purpose, such as APS Level 1 or 2.

Access to an entry-level merit list that is not part of a centrally coordinated recruitment exercise is at the discretion of the advertising agency.

4. Can I keep the top three ranked candidates for potential vacancies in my agency and share the remainder with other agencies?

No. Offering engagement or promotion to candidates ranked lower than the top candidates on the order of merit would be inconsistent with the legislated merit provisions.

If an agency provides access to a **ranked order of merit** to another agency, candidates can only be offered jobs in the order they are ranked.

If the candidates have accepted roles but have not yet commenced duty, the remaining candidates can then be considered for a similar vacancy.

Legislation: Section 10A of the Public Service Act 1999; section 19 of the Australian Public Service Commissioner's Directions 2016.

5. I would like to engage a particular candidate from another agency's merit pool. Can I offer them a job?

Yes, provided you have first checked the APS Redeployment Register and undertaken a comparative assessment of candidates in the highest rated merit pool. If this candidate is in the highest rated pool and is assessed by your agency as the most suitable candidate for your particular vacancy, you may offer them the job without undertaking a full merit selection process.

If the merit list has candidates **ranked in order of merit**, the order of merit must be followed when filling any similar vacancies. Where your preferred candidate is ranked lower than others, you are unable to offer them a job.

If you believe that a particular skill-set or experience makes that candidate the most suitable person for your vacancy over higher-rated candidates, it is likely that the duties of the vacancies are not in fact similar and use of the other agency's merit list is not appropriate.

If the vacancy is not at the SES level or a centrally coordinated entry-level program, you will need to seek the agreement of the original recruiting agency and the individual candidate before you proceed.

Legislation: Section 10A of the Public Service Act 1999; sections 9 and 19 of the Australian Public Service Commissioner's Directions 2016.

6. A merit-listed candidate has opted out of consideration for similar roles in other agencies. What does this mean for the merit list?

The individual retains their place on the merit list for the original agency and can still be considered for similar jobs in that agency. However, their name and details are to be withheld when granting other agencies access to the merit list. This

means that another agency can make a job offer to the next most suitable candidate on the merit list.

A decision to opt out of a shared merit list will not affect the application of merit for determining that the person is suitable for the role they originally applied for, or for similar vacancies in the original agency. It simply means that where other agencies wish to access the merit list, that individual's details will not be provided.

Legislation: Section 10A of the Public Service Act 1999; sections 9 and 19 of the Australian Public Service Commissioner's Directions 2016.

7. Do all candidates rated as suitable for a vacancy by the selection panel and delegate have to be placed on the merit list?

To meet the merit requirements provided in the Act and Directions, all candidates assessed as suitable following a competitive assessment would usually be included in any merit list created.

Agencies are not required to create a merit list following a selection process or to use an existing merit to fill a vacancy—they may choose to re-advertise. Further, there may be fair, transparent and defensible reasons for not including a candidate assessed as suitable on a merit list where one is created:

In some circumstances it might be appropriate to remove a candidate from a merit list after they have been assessed as suitable. For example, where the candidate asks not to be considered for any further vacancies, or where they have become uncontactable or ineligible since the competitive assessment was completed.

The delegate may decide that where only a small number of vacancies are expected, and there is a significant distinction between the suitability of candidates, the merit list will only include the top rated applicants. For example only those rated as highly suitable or the first five ranked candidates in order of merit. If the merit list is shared within the agency or with another agency, only the list of candidates approved by the delegate will be accessible.

Legislation: Section 10A of the Public Service Act 1999; sections 9 and 19 of the Australian Public Service Commissioner's Directions 2016.