

The APS merit principle

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This information relates to the application of the merit principle in the Australian Public Service (APS).

Merit is a key part of APS employment and is underpinned by legislation. The APS Employment Principles in section 10A of the *Public Service Act 1999* (<https://www.legislation.gov.au/Series/C2004A00538>) (the Act) provide that the APS makes decisions relating to engagement and promotion based on merit.

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 candidates, 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 candidates to achieve outcomes related to the relevant duties
- the assessment is the primary consideration in making the employment decision.

The application of merit in APS engagement and promotion decisions is explained in Part 4 of the [Australian Public Service Commissioner's Directions 2022](https://www.legislation.gov.au/Latest/F2022L00088) (<https://www.legislation.gov.au/Latest/F2022L00088>) (the Directions).

Notification of vacancies

Job vacancies which may result in the engagement or promotion of an ongoing employee, or the engagement of a non-ongoing employee for an initial period of more than 18 months, must be notified in the Public Service Gazette (the Gazette) within a period of 18 months before the written decision to engage or promote the person is made.

While non-ongoing opportunities of 18 months or less are not required to be notified in the *Gazette*, they must be brought to the attention of the community in a manner that provides a reasonable opportunity to apply. For example, these vacancies can be advertised on agency websites, on job seeker sites or on social media.

Where it is proposed to engage a person on a short-term, irregular or intermittent basis, see [non-ongoing APS employment](https://www.apsc.gov.au/node/582) (<https://www.apsc.gov.au/node/582>). (<https://www.apsc.gov.au/node/582>).

Competitive selection processes

A competitive selection process:

- is determined in advance and information about the process is readily available to applicants
- includes notification of the vacancy in accordance with the Directions
- is applied fairly in relation to each eligible applicant
- is appropriately documented, and
- is free from discrimination, patronage and favouritism.

Work-related qualities

The work-related qualities that may be taken into account when making an assessment of a candidate's suitability 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
- ability to contribute to team performance.

Secondary considerations

There are certain secondary considerations that may be taken into account if they relate to matters within the control of the applicant. These may include a candidate's

- ability to start by a particular date
- a willingness to relocate
- an ability to meet other reasonable agency requirements.

Secondary selection considerations should be directly related to the relative suitability of a person to perform the duties or the work-related qualities needed to perform the duties.

Agencies should ensure that merit is still the primary consideration in making the decision. Any secondary consideration that is applied needs to be consistent with other elements of the APS Employment Principles and not used in a way that constitutes patronage or favouritism, or direct or indirect discrimination under anti-discrimination law.

If the results of a selection process are to be used at a later time to fill a *similar vacancy*, any secondary considerations will need to be applied or reapplied at that time to identify the most suitable applicant. For example, a person not selected initially because they could not start on a particular date will remain on the merit list.

Merit lists

Following a selection process, an agency may identify candidates that are suitable to fill the vacancy, but who may not be offered a role immediately. A decision can be made to employ a person who has been found to be suitable for a *vacancy or similar vacancy* if the decision is made within 18 months of the original vacancy being notified in the Gazette.

Similar vacancy

A vacancy can be considered to be a similar vacancy if:

1. all of the following apply:

- it is the same category of employment (ongoing or non-ongoing)
- for similar duties
- it is at the same classification, or a corresponding Parliamentary Service classification
- for duties to be performed in a similar location; and

2. any of the following applies

- it is an SES vacancy
- it is a vacancy in a centrally coordinated entry-level program
- 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
- the Agency Head Secretary of a Department (within the meaning of the *Parliamentary Service Act 1999*) in which the notified vacancy existed and an Agency Head agree, in writing, that the vacancy is a similar vacancy to the notified vacancy.

Agencies can make a decision to employ a person who has been found to be suitable from a recruitment process undertaken by another agency for:

- all SES positions
- all centrally coordinated entry level programs such as the Indigenous Pathways program, or
- where otherwise agreed between the two agencies.

RecruitAbility

The RecruitAbility (<https://www.apsc.gov.au/node/394>) scheme supports people with disability applying for jobs in the APS by giving them a better opportunity to put forward their skills and experience during the selection process. The RecruitAbility scheme facilitates the progression of applicants with disability to further assessment in APS recruitment process, such as interview, when they declare they have a disability, opt into the scheme and meet the minimum requirements for the job. It also aims to build the confidence of applicants with disability and selection panel members in assessing applicants with disability.

Useful information

- APSC employment strategy for Indigenous Australians (<https://www.apsc.gov.au/node/154>).
 - Australian Public Service Disability Employment Strategy 2020-25 (<https://www.apsc.gov.au/disability>).
 - Machinery of government change (<https://www.apsc.gov.au/working-aps/information-aps-employment/machinery-government-mog>).
 - Movement between the Parliamentary Service and the APS (<https://www.apsc.gov.au/node/611>).
 - Government's Merit and Transparency policy (<https://www.apsc.gov.au/node/98>).
 - Standing for an elected office (<https://www.apsc.gov.au/standing-elected-office>).
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