

- When a vacancy arises, there are a number of considerations that need to be made before recruitment action is taken, such as:
 - is there is continuing need for the duties to be performed?
 - have the duties have changed over time?
 - is the current classification still appropriate having regard to the agency's work level standards?
 - can the duties be assigned to an existing employee on an ongoing or temporary basis?

- Consideration also needs to be given to the aim of the selection exercise, which in turn will determine how the vacancy is advertised, and whether an order of merit is established, for example. Intended aims might include that it be:
 - a one-off exercise to fill a single employment opportunity
 - an exercise to enable similar employment opportunities to be filled from this process as they arise (in which case the agency would be looking to establish an order or merit)
 - a bulk exercise to select several applicants for employment in different work areas, or to select applicants for employment at different classifications within a work area.

- The outcome of an agency's considerations around *how* a vacancy is likely to be filled will determine whether a competitive merit selection exercise is required in order to meet the minimum requirements for merit.

A **competitive merit selection process** refers to the assessment of the relative suitability of the candidates for the duties, the suitability of the candidate's work-related qualities to the work-related qualities genuinely required for the duties, and the relative capacity of the candidates to achieve outcomes related to the duties.

- The methods used by an agency head to assess the relative suitability of candidates is not prescribed by legislation, however the Commissioner's Directions does require agency heads to put in place measures to ensure, among other things, that the aim and purpose of the selection process is determined in advance and information about the process is readily available to applicants; the selection process is applied fairly in relation to each eligible applicant; and the selection process is transparent and appropriately documented.
- The most common assessment method adopted by agencies is to establish a selection committee, which typically makes an initial assessment of the relative suitability of candidates based on written applications, which may lead to interviews of candidates considered worthy of further consideration. This may then be followed by obtaining of referee reports for those candidates still in contention, and the committee then makes a final recommendation for consideration by the agency head or their delegate.

- Additional or alternative means of assessment are available, including assessment centres, and occupational testing, for example.

Actions not requiring competitive merit-based selection:

- Internal or external transfers on either a temporary or ongoing basis at or below level (or on a temporary basis at a level including a higher level), do not require a competitive selection process to be undertaken in order for merit to have been met.
- For a decision to assign duties to an employee at or below level (or to assign duties at a higher level on a temporary basis) to be merit-based, it must be based on an assessment of the employee's work-related qualities and the work-related qualities required for efficient and effective performance.
- If the assignment of duties is a temporary assignment at a higher classification, consideration must also be given to the efficiency of the employee, the importance of the duties, the length and cost of the assignment and the opportunity to gain experience.

Actions requiring competitive merit-based selection:

- Ongoing engagement decisions
- Promotion decisions

- For recruitment actions such as the promotion of an existing APS employee, or engagement of an ongoing or non-ongoing employee to be merit-based, a competitive merit-based selection is required.

RIGHT OF REVIEW

- The PS Act provides for a fair system of review of decisions taken in respect of APS employees' employment and the application of merit (APS Employment Principle Section 10(1)(a) - The APS is a career-based public service that makes fair employment decisions with a fair system of review.
- Promotion decisions are appealable at the APS 1-6 levels. EL1 and EL2 levels and decisions made in accordance with the recommendation of an Independent Selection Advisory Committee (ISAC) are not reviewable.

If the recruitment process is likely to result in the engagement or promotion of a person, then the agency must follow the Merit Principle.