

**Senate Standing Committee on Environment and Communications**  
**Legislation Committee**  
Answers to questions on notice  
**Environment portfolio**

**Question No:** 149  
**Hearing:** Supplementary Budget Estimates  
**Outcome:** Corporate  
**Programme:** Corporate Strategies Division (CSD)  
**Topic:** PORTFOLIO WIDE QUESTION Staffing - Employment of non-Australian citizens  
**Hansard Page:** N/A  
**Question Date:** 02 November 2015  
**Question Type:** Written

**Senator Ludwig asked:**

1. I refer you to section 22 (8) of the Public Service Act 1999 which says:  
"An Agency Head must not engage, as an APS employee, a person who is not an Australian citizen, unless the Agency Head considers it appropriate to do so."
  - a) Does the department have guidelines or similar to assist Agency Heads to assess when it is appropriate to hire non-Australian citizens? If no, do individual agencies have their own guidelines? If yes to either:
    - i) Please provide a copy.
    - ii) When did they come into effect?
    - iii) Can Agency Heads decide to go against the advice? If yes, under what circumstances?
  - b) Are Agency Heads required to provide a reason to anyone for hiring non-Australian citizens? If yes:
    - i) Who are they required to report the reason to?
    - ii) Does this reporting happen before or after the hire has been made?
    - iii) Is this reason provided in writing? If no, how is it provided?
    - iv) Can you please provide a list of reasons that have been used since the Federal election in September, 2013.
  - c) Are there any provisions to over-rule a Head of Agency's decision to hire a non-Australian citizen? If yes:
    - i) Who can over-rule this decision?
    - ii) Under what circumstances can it be over-ruled?
    - iii) How many times has this occurred since the Federal election in September 2013.

**Answer:**

**Department of the Environment**

1. a) Yes – Citizenship requirements under the Recruitment and Selection Policy and Procedural Guidelines.
  - i) The policy is attached.
  - ii) The current policy was endorsed in 2011.

iii) Requests for citizenship waivers must meet the criteria set out in the policy. The Agency Head has delegation over all citizenship waiver requests and can exercise discretion over the decision.

b) No.

c) No.

### **Climate Change Authority**

1. a) The Climate Change Authority has no guidelines or similar for the hiring of non-Australian citizens.

b) No.

c) No.

### **Clean Energy Finance Corporation**

1. a-c) The Clean Energy Finance Corporation is not an “agency” within the definition of that term under the *Public Service Act 1999* and its employees are not governed by that Act. Corporation employees are not part of the Australian Public Service but are employed under the *Clean Energy Finance Corporation Act 2012*. Questions based on this framework are, therefore, not applicable to the Corporation.

### **Great Barrier Reef Marine Park Authority**

1. a) Yes – The Great Barrier Reef Marine Park Authority Recruitment and Selection Guidelines.

i) The policy is attached.

ii) 18 October 2013.

iii) No.

b) No.

c) No.

### **Sydney Harbour Federation Trust**

1. a) Yes – the Baseline Vetting Process under the Recruitment and Selection Procedures.

i) The policy is attached.

ii) January 2014.

iii) No.

b) No.

c) No.

### **Australian Renewable Energy Agency**

1. a-c) Australian Renewable Energy Agency’s (ARENA) Australian Public Service staff are employed by the Department of the Environment and made available to ARENA by the Secretary of the Department. See the response provided for the Department of the Environment.

## **Bureau of Meteorology**

1. a) Yes – Employment and Eligibility Requirements
  - i) A copy of the guidelines is attached. It states that there is a general expectation that people engaged as APS employees with the Bureau of Meteorology will be Australian citizens, however on occasion we engage non-citizens with the relevant work permits.
  - ii) This policy came into effect with the introduction of the *Public Service Act 1999*.
  - iii) No.
- b) No.
- c) No.

## **Clean Energy Regulator**

1. a) The Clean Energy Regulator does not have its own guidelines that address the hiring of non-Australian citizens. Its recruitment and hiring procedures adopt the advice of the Australian Public Service Commission and the *Public Service Act 1999*.
- b) No.
- c) No.

## **Attachments:**

- A. Department of the Environment Citizenship policy
- B. GBRMPA Recruitment and Selection guidelines
- C. SHFT Recruitment and Selection procedures
- D. Bureau of Meteorology Employment and Eligibility Requirements



**Recruitment and Selection  
Policy and Procedural Guidelines**  
**Citizenship requirements for engagement of ongoing and non-ongoing employees**

July 2015

- 1. Purpose** This document sets out the legislative background that enables the Department to impose Australian citizenship as a condition of engagement; and the department's policy in relation to the waiver of Australian citizenship.
- 2. Delegation** The following positions have the delegation to waive Australian citizenship:
- Deputy Secretary, Department
  - First Assistant Secretary, Corporate Strategies Division
  - Director, Australian Antarctic Division (AAD) - *limited to AAD staff only*
  - Assistant Secretary, Business and Ministerial Services Branch (BMSB)
  - Assistant Secretary, People Strategies Branch (PSB)
  - Deputy Director, AAD - *limited to AAD staff only*
  - General Manager, Support Centre (AAD) - *limited to AAD staff only*
  - HR Directors, BMSB and PSB - *for area of responsibility*
  - Human Resources Manager, AAD - *limited to AAD staff only.*
- 3. Legislative background**
- Public Service Act 1999**
- The *Public Service Act 1999* Section 22(8) requires an agency head not to engage, as an employee, a person who is not an Australian citizen, unless the agency head considers it appropriate to do so. Section 22(6)(b) enables an agency head to impose, as a condition of engagement, a requirement that the person holds Australian citizenship.
- If an agency head decides to impose such a condition, a prospective employee must provide proof of their Australian citizenship. This could be an Australian passport (issued after 1 July 2005) **or** an Australian citizenship certificate **or** an Australian birth certificate if the employee is born before 20 August 1986. If born on or after 20 August 1986, evidence of parents' citizenship is required.
- Migration Act 1958 – work rights**
- A decision to employ a non-citizen must take into account the requirements of the *Migration Act 1958*. In most instances, only Australian citizens, Australian permanent residents and New Zealand citizens have unrestricted rights to employment in Australia, although this right does not automatically extend to employment in the APS other than for Australian citizens.

All others are required to have appropriate visas which may have:

- no work rights attached
- limited work rights or
- unlimited work rights.

Further information in relation to the work entitlements of prospective employees is outlined on the Department of Immigration and Border Protection (DIBP) website or can be obtained by contacting the DIBP Employer Immigration Hotline.

**Note:** If an employee ceases to hold valid work entitlements, the agency head has the power to terminate for loss of an essential qualification (*Public Service Act*, section 29 (3) (b)). This should be included in the employee's letter of engagement.

#### **4. New Zealand citizens and bilateral agreements**

Under the Trans-Tasman Travel Arrangement, most New Zealand citizens are granted a Special Category Visa (SCV) which enables them to live and work indefinitely in Australia. However this does not give them permanent residency status for the purpose of gaining citizenship unless they held a SCV prior to 26 February 2001.

Bilateral agreements do not guarantee work in the APS (an agency head would need to determine that it is appropriate to waive citizenship requirements).

#### **5. Dual citizenship**

Some Australian citizens also hold citizenship of another country. If a person in this position can demonstrate evidence of Australian citizenship, they can be engaged as an APS employee, regardless of other citizenship they may hold at the same time.

Dual citizenship may, however, cause other employment-related issues to arise e.g a possible conflict of interest if recruiting to a sensitive position.

#### **6. Considerations for the waiver of citizenship for ongoing or non-ongoing engagement**

In all cases involving the engagement of non citizens a written request for a waiver of citizenship must be approved by the delegate (see Section 2 above) before any offer of employment is made.

Other considerations for requesting a waiver of citizenship include:

- The applicant must have unrestricted rights to work in Australia i.e. an applicant in receipt of a temporary visa should generally not be offered ongoing employment.
- The Australian Government Protective Security Manual requires the need for Australian Citizenship for security designated positions. Part D.6 of the manual sets out the citizenship requirement for a security clearance and the exceptions to that requirement.
- If an applicant is offered engagement in one agency it does not necessarily entitle them to employment in all other agencies.
- The applicant is actively pursuing the acquisition of citizenship. Eligibility requirements for citizenship are:
  - Most people who become permanent residents on or after 1 July 2007 will need to have been lawfully resident in Australia for four years immediately before applying for citizenship. The four year period must include at least 12 months as a permanent resident.

- People who became permanent residents before 1 July 2007 and apply for citizenship before 1 July 2010 must have been physically present in Australia as a permanent resident for a total of two years in the five years before applying, including one year within the two years immediately before applying.
- There are special residence requirements for people who are required to travel frequently because of their professions to access Australian citizenship which came into effect on 21 September 2007. Specific requirements apply and can be found on the citizenship website at [www.citizenship.gov.au](http://www.citizenship.gov.au). Agencies should not attempt to assess a person's eligibility for the special residence requirements, and should contact DIBP for further information.

**Ongoing vacancies:**

- Offer non-ongoing employment for up to a maximum of 12 months (ongoing employment may be subsequently offered if citizenship is gained prior to the expiry of the order of merit). Note on offer/contract that if citizenship is not gained, employment will be terminated.
- The requirement for citizenship for ongoing employment will not be waived except in exceptional circumstances, e.g. skills or professional qualifications required to perform particular duties, the requirement to recruit to a remote locality, or the likelihood of losing an exceptional candidate if only non-ongoing employment is offered.

**Non-ongoing vacancies of 6 months or less:**

- may be offered to temporary resident visa holders
- employee must have current visa allowing work rights in Australia
- the Department must note on the contract that employment will be terminated if the employee ceases to hold valid work rights visa
- due to the length of residence required to obtain Australian citizenship the employee would not be in a position to offer themselves as available for ongoing employment.

**7. Summary of conditions for waiving citizenship requirement – Delegate checklist**

**Non ongoing position 6 months or less:**

- temporary visa holder with appropriate work rights  
**Note:** once employed, regular checks should be made with DIBP to ensure an employee holding a work visa with entitlements has not had their work rights revoked.

**Non ongoing position 6-12 months:**

- New Zealand citizens
- bilateral agreements
- pending Australian citizenship (may be offered ongoing employment if citizenship is granted within time frames of gazetted ongoing vacancy).

**Ongoing position:**

- Special circumstances exist whereby the Department will lose an exceptionally skilled candidate or there is an inability to recruit to remote localities, but:
  - does the employee have appropriate work rights?
  - the employee may not be eligible to move to another Agency
  - does the position require a security clearance?

**8. References**

- *Public Service Act 1999*, s22(6-8),s29(3)
- *Migration Act 1958*
- *Australian Government Protective Security Manual*, Part D.6
- *Citizenship in the Australian Public Service*, Australian Public Service Commission <http://www.apsc.gov.au/publications09/citizenship.htm>
- *Department of Immigration and Border Protection*, Citizenship eligibility [www.citizenship.gov.au](http://www.citizenship.gov.au), [www.immi.gov.au](http://www.immi.gov.au)



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## RECRUITMENT AND SELECTION (Revision 1)

### Section 1 INTRODUCTION

#### 1.1 Purpose

The purpose of this policy is to facilitate effective and efficient recruitment and selection of quality employees to enable the achievement of strategic and operational business objectives. It should be noted that additional advice and guidance is available from the People Management section as required.

#### 1.2 Scope

This policy applies to all non-SES permanent and temporary recruitment conducted in the Great Barrier Reef Marine Park Authority (GBRMPA).

#### 1.3 Principles

The principles of merit, equity, procedural fairness, equal employment opportunity (workplace diversity) and natural justice underpin the recruitment and selection process and cannot be disregarded under any circumstances.

Within these principles, recommendations and decisions regarding recruitment and selection may take account of and seek to balance effective resource management, organisational objectives and operational requirements with the career and development needs of employees and the need for employment to be open to merit competition.

This policy:

- is consistent with Australian Government policies for the operations of government departments;
- assists employees to comply with the laws of Australia; and
- respects the rights, entitlements, duties and obligations of other employees and members of the public, consistent with the APS Guidelines on Official Conduct.

#### 1.4 Legislative Framework

All recruitment conducted by the Agency will comply with the *Public Service Act 1999*, other relevant Commonwealth legislation, Australian Public Service Commission (APSC) policies, *Australian Public Service Commissioner's Directions 2013* and the Agency Enterprise Agreement (EA).

Engagement of contractors will comply with the *Financial Management and Accountability Act 1997* and the Commonwealth Procurement Rules.

The Agency adheres to the *Privacy Act 1988* (particularly the Information Privacy Principles) when obtaining and handling personal information for recruitment purposes.

#### 1.5 Selection Advisory Committees - Composition and Responsibilities

The Selection Advisory Committee (SAC) should comprise of:

- a Convenor - This person would usually be from the area where the job vacancy exists who is at least one substantive classification level above that of the vacant position;

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- at least one other member - This person should be: at the same substantive classification level (or higher) as the vacant position; and be from a Branch or Section other than that in which the vacancy is located (may be from outside the Authority).

The primary role of the SAC is to make recommendation to the Delegate as to who should fill the vacancy. In making its recommendation, the SAC will provide the delegate with a Selection Report as outlined at 3.5 and any other information requested by the Delegate.

The SAC Convenor is responsible for the efficient management of the selection process and will ensure that the process complies with legislative requirements and the provisions of these guidelines. The Convenor will be the contact officer for further information on the position and for feedback to applicants. The Convenor is responsible for furnishing the Selection Report and in the event of a grievance or appeal the Convenor will be responsible for furnishing associated reports which may relate to the transparency of the process.

### 1.6 Delegates' Powers and Responsibilities

Delegates are responsible for making, and accountable for, recruitment and selection decisions. Delegations for recruitment and selection decisions can be found in the Recruitment section on SharePoint.

### 1.7 Employment Definitions

**Engagement:** occurs when the Authority employs a person. An engagement can either be:

- Ongoing; or
- Non-ongoing – which may be either:
  - For a specified term or duration of a specified task
  - For duties that are irregular or intermittent

Note: The length of and extensions to non-ongoing engagements are subject to limitations prescribed by the *Public Service Regulations 1999 Sections 3.4 and 3.5*.

**Transfer:** Transfer occurs either:

- Where an Authority employee is reassigned duties of a position at their classification level on an ongoing basis; or
- Where an APS employee (from another agency) takes up the duties of a position with the Authority at their classification level on an ongoing basis.

**Promotion:** Promotion occurs when an ongoing Australian Public Service employee is recruited to perform the duties of a position classified higher than their classification level on an ongoing basis.

**Temporary Performance:** When an ongoing Australian Public Service employee temporarily performs the duties of a position. Temporary performance may be at the level of or at a higher level (including partial performance) than the employee's ongoing classification level.

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**Agency Service:** When the Authority purchases services from an employment agency. The services are provided by the Agency through Agency employees.

### Section 2 STRUCTURAL, RECRUITMENT AND SELECTION CONSIDERATIONS

#### 2.1 Position Structure and Definition

##### 2.1.1 Position Creation/Abolition/Reclassification

The Authority is structured on the basis of Corporate strategy and objectives (Corporate Planning) and the need for positions within the Authority is based on Group strategy and objectives (Business Planning) which flows from Corporate Planning. As such, the requirements for human resources (positions) will vary over time with identified strategic priorities and human resource/position requirements should be reviewed in line with the business cycle and on vacancy. Other considerations in determining structure should include Corporate and Group career paths, market competitiveness, equity and Workplace Diversity.

Where a new position is required or a position requires re-classification an Establishment Variation Request form is required. Proposed establishment variations, including any revised position descriptions, are assessed, in terms of appropriate classification and position description content by People Management. The Establishment Variation Request form is also used where a position is no longer required.

##### 2.1.2 Position Documentation - Position Description and Person Specification

Where a position is vacant, and no structural adjustment is required, the position documentation must be reviewed prior to any recruitment action to ensure it reflects current requirements in line with strategic priorities and thus provides a basis for effective recruitment and selection.

Advice is available from People Management on composition and content of position descriptions.

#### 2.2 Recruitment Options and Advertising Requirements

##### 2.2.1 Ongoing Recruitment

Where a position is required on an ongoing basis (3 years or longer) it may be filled on an ongoing basis by:

- transferring an ongoing APS employee at their ongoing classification level with or without a merit selection process (may be advertised internally, Gazette and other Departments). Where there is no merit selection process, an explanatory minute of recommendation, through People Management, to the delegate is the required documentation; or

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- promoting an ongoing APS employee or engaging a non-ongoing APS employee as an ongoing employee through a merit selection process (advertised externally to the Authority - minimum advertising requirement is the Gazette for promotion); or
- promoting an ongoing Authority employee, within an "Authority Broadband", through a merit selection process (advertised within the Authority).

It should be noted that a person who has been offered ongoing engagement in writing may request to be engaged as a non-ongoing employee for a specified term (not exceeding three years). If such a request is made the Director of the relevant area will be required to make a recommendation on the appropriateness/suitability of such an arrangement to the delegate.

### 2.2.2 Long Term Temporary Recruitment

Where a position is available for a temporary period – 12 months to 3 years it may be filled by:

- Temporarily reassigning the duties of an ongoing APS employee at their ongoing classification level (Temporary Performance) with or without merit selection. Where there is no merit selection process, an explanatory minute of recommendation, through People Management, to the delegate is the required documentation; or
- Temporarily reassigning the duties of an ongoing APS employee at a level higher than their ongoing classification through merit selection (internal or external advertising - Gazette and other Departments); or
- Engaging a person who is not an ongoing APS employee as a non-ongoing employee through merit selection (advertised in Gazette and external to APS).

It must be noted that there are limitations on non-ongoing specified term engagements as provided by the applicable Legislative Framework.

It should be noted that:

- An Approval for Temporary Performance Form must be submitted for all instances where an employee is temporarily reassigned the duties of another position.
- Where a person is not available that can effectively perform all the duties of the position the duties of the position may be modified (where operational requirements permit) and the classification level temporarily reduced. Referred to as "Partial Performance".
- Long term temporary performance arrangements are disruptive and can lead to a 'domino effect' of long term temporary performance arrangements across the agency. Where a position is vacated for a period greater than 12 months, due to extended leave or other staffing arrangements, consideration should be given to ongoing reassignment or engagement. However, in considering this option the ability to place employees on return to work must also be considered as the Branch

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will be required to bear the salary cost until the additional ongoing employee can be placed.

### 2.2.3 Short Term Temporary Recruitment

Where a position is available for a temporary period less than 6 months it may be filled by:

- Temporarily reassigning the duties of an ongoing APS employee at their ongoing classification level or at a higher classification level (Temporary Performance) without a merit selection. However, it would be preferable that expressions of interest be sought from ongoing Authority employees for periods exceeding 3 months; or
- Engaging a non-ongoing employee where an ongoing Authority employee is not available due to suitability or operational requirements; or
- Engaging the services provided by a Recruitment Agency, where an ongoing Authority employee is not available due to a lack of suitability or operational requirements.

Where a position is available for a short term temporary period greater than 6 months and less than 12 months it may be filled by:

- Temporarily reassigning the duties of an ongoing APS employee at their ongoing classification level or at a higher classification level through a merit selection; or
- Engaging a non-ongoing employee, where a permanent Authority employee is not available due to a lack of suitability or operational requirements (external advertising and merit selection); or
- Engaging the services provided by a Recruitment Agency where a non-ongoing Authority employee is not available due to a lack of suitability or operational requirements.

It must be noted any non-ongoing engagement which is to be extended or is expected to be extended beyond 12 months, must be advertised in the Gazette.

It should be noted that:

- A [Temporary Performance Approval Form](#) must be submitted for all instances where an employee is temporarily reassigned the duties of another position.
- Where a person is not available that can effectively perform all the duties of the position the duties of the position may be modified (where operational requirements permit) and the classification level temporarily reduced. Referred to as "Partial Performance".

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- The use of Recruitment Agency services is the preferred option over short-term non-ongoing engagement for administrative positions.
- Chains of temporary performance are disruptive to operations and should be kept to the minimum needed for the effective and efficient operation of the Authority. Work plans should incorporate provision for normal periods of absence (such as leave) and consideration should be given to postponing non-essential work and reallocating essential work.

### 2.3 Other Considerations Relevant to Recruitment and Selection

#### 2.3.1 *Citizenship Requirement*

Australian Citizenship is a requirement for ongoing engagement. The Public Service Act requires that persons engaged as ongoing APS employees must be Australian citizens prior to confirmation of probationary engagement. Therefore all applicants must either be Australian citizens or eligible to obtain Australian citizenship within two years of ongoing engagement. The Chairperson may, in exceptional circumstances i.e. where there is no Australian citizen available with the required competency, knowledge and skills required to perform the duties of the position, waive the citizenship requirement.

#### 2.3.2 *Ongoing Employees Identified as Excess*

Ongoing Authority employees identified as excess to requirements must apply for vacant positions for which they wish to be considered (automatic consideration is not required).

Excess employees of the Authority, who apply for permanent vacancies, must be considered in isolation from and not in competition with other applicants. Consideration of other applicants will only occur where Excess employees of the Authority are considered unsuitable.

#### 2.3.3 *Identified Positions (Graduate and ATSI)*

Positions may be designated as "Authority Graduate Positions" within the APS 3/4 broadband. These positions require a tertiary qualification determined appropriate by the delegate and are open to persons who have completed their studies no more than two years earlier. Consideration should be given to appropriate career structures containing designated 'Graduate Positions'.

Positions may be designated as 'Identified positions' at any classification level where part or all of the duties involve the development of policy or programs relating to Aboriginal and Torres Strait Islander people, and/or involve interaction with Aboriginal and Torres Strait Islander communities. Identified positions must have two mandatory selection criteria:

- a demonstrated knowledge and understanding of Aboriginal and Torres Strait Islander societies and cultures and the issues affecting these cultures in Australian society; and



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- a demonstrated ability to communicate sensitively and effectively with Aboriginal and Torres Strait Islander people.

### **2.3.4 Workplace Diversity and EEO Considerations**

Workplace Diversity is a means of promoting collaboration and empowerment in the workplace. The term diversity is not just about differences in race, gender, ethnic and cultural background, age, sexual orientation, religion and ability. It also refers to the myriad of ways which we are different in other respects such as personality, job function, educational level, marital status, whether or not one has children etc. Workplace Diversity is about valuing difference and its contribution to a productive workplace, not about identifying difference.

Managers, People Management, SAC's and Delegates are responsible for ensuring that considerations regarding structure, documentation of positions and position specifications, and recruitment and selection processes take account, within operational requirements, of the diverse backgrounds and experiences of people and provide for equity in opportunity for employment.

### **2.3.5 Code of Conduct Consideration**

Where the SAC is recommending a person for a position, consideration must be given to any interest, pecuniary or otherwise, that could potentially conflict with the proper performance of the duties of the position. Relevant issues may include membership of or affiliation with stakeholder groups or business interests in an entity which has any relationship with the Authority.

### **2.3.6 Salary on Ongoing Engagement, Promotion, and Non-ongoing Engagement**

Where a person is engaged as an employee of the Authority (other than an engagement to a designated "Authority Graduate Position"), or an ongoing APS employee is promoted, salary will be payable at the minimum point in the salary range applicable to the classification of the position, unless Delegate authorises payment of salary above the minimum.

Where a person is engaged to perform the duties of a designated "Authority Graduate Position", salary always will be payable to the minimum point of the APS Level 3 salary range.

In the case of engagement, other than "Graduate" engagement, an initial formal offer will be made by People Management at the minimum point. The person to which the offer is made may negotiate for a higher salary by presenting a case based on competence and current salary. Human Resources Management will make a recommendation to the Delegate based on equity, market competitiveness, and competency of the person.

In the case of promotion, the Delegate will authorise payment above the minimum where the promotee has obtained and retained an increment whilst on temporary performance at the same or higher level.



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### **2.3.7 Salary on Permanent Transfer from Another Commonwealth Agency**

Where an ongoing APS employee from another agency is transferred to the Authority on an ongoing basis, the salary payable to the employee will be at a salary point within the classification salary range not less than their previous ongoing position. Should their previous salary exceed the top salary increment point of the Authority classification salary range they will be paid at the top salary increment point.

### **2.3.8 Salary on Temporary Performance at a Significantly Higher Work Value**

An employee will be paid a loading for temporary performance where:

- the employee is directed to temporarily perform the duties of a position classified in a higher broadband for a period not less than 1 week; or
- the employee is directed to temporarily perform the duties of a position classified at a higher level within a broadband (e.g. APS 1 performing work at APS2 level) for a period not less than 2 weeks.
- The level of the loading will be based on the level and scope of work to be performed and the employee's capacity to effectively undertake the higher level work.

### **2.3.9 Salary on Reduction in Level - Permanent and Temporary**

Where an ongoing APS employee accepts an offer of permanent transfer, or temporary performance, at a reduced classification level, salary will be determined by the Delegate as though service at salary points which exceeded the minimum of the higher classification was service in the lower classification.

### **2.3.10 Period SAC's Reports Remain Valid**

For the purposes of selection for ongoing engagement, promotion and transfer, SAC reports and the order(s) of merit established, will remain current for a period of 12 months from the initial advertising date, and may be used for the filling of subsequent and/or similar vacancies.



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### Section 3 SELECTION PROCESS AND ASSESSMENT METHODS

#### 3.1. Recruitment Processing Requirements

- 3.1.1. To fill an existing position, review the position description to ensure the duties/requirements are current and then submit it along with a Recruitment Action Request form.
- 3.1.2. For an ongoing position, complete a *Recruitment Action Request* form. This advises where, when and how you want to advertise the vacancy. The minimum requirement is to advertise in the APS Gazette, the usual close time is 2 weeks from the date it appears in the Gazette. Text for the ad should also be provided at this time, some recent examples can be provided by the Recruitment Officer.
- 3.1.3. To recruit a non-ongoing employee, complete a *Recruitment Action Request* form for an extension of an existing non ongoing contract or to engage a new non ongoing employee.
- 3.1.4. To transfer an employee to another position, complete a *Higher Duties or Temporary Performance in another position* form. Even if the new position is at the same level, you need to transfer from one position to another so that salary costings are correct.
- 3.1.5. To recruit an agency temp (from a Recruitment Agency on a short term basis), complete a *Recruitment Action Request* and provide a current position description for distribution to the Recruitment Agency once action is approved.
- 3.1.6. To abolish, create, vary or reclassify a position, an *Establishment Variation Form* must be completed for assessment of classification and recommendation to the delegate.
- 3.1.7. All current Templates can be found in the [Master Document List](#).

#### 3.2. Coordination of Vacancy Notices and Advertising

All vacancy notices and advertising is coordinated by People Management. Line areas are required to draft text for Press or Internet advertising and forward to People Management.

#### 3.3. Receipt of Applications

Applications should be submitted by the specified closing date. However, the Convenor of the SAC may decide whether or not to accept late applications. Late applications should not be acknowledged without approval of the Convenor.

#### 3.4. Assessment Methods and Associated Requirements

The following are methods used to obtain information regarding level of suitability of applicants against the selection criteria for the position. The mix of methods used will be determined by minimum organisational requirements for particularly recruitment options and the level of information the SAC decides is required to make a sound and justifiable recommendation to the delegate. People Management is available for advice on methods and mix of methods.

Please note: Assessment of applications (short listing) combined with referee comments may be all that is required for the SAC to make a sound and justifiable recommendation to the delegate. This is the minimum selection process requirement for all vacancies except for:

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- 3.4.1. Short term temporary vacancies (less than six months) where the Director/Manager may recommend that ongoing employees be placed on temporary performance at level or at a higher level without a merit selection;
- 3.4.2. Ongoing vacancies where a recommendation may be made to transfer an ongoing Authority employee at level without a merit selection; and
- 3.4.3. Short term temporary vacancies (less than six months) where the Director/Manager may recommend a non-ongoing engagement on the basis of application assessment.

Applicants are required, within reason, to provide any information requested by the SAC and/or to make themselves available for various assessments at the request of the SAC.

### 3.4.1. Short Listing (Assessment of Applications)

Short listing of applicants, based on information provided in applications and from referee reports where the panel deems necessary, will be necessary where the SAC needs to reduce the field to which other selection methods are to be applied.

Rigorous short listing should be applied. Only those applicants assessed as having strong claims to the position should be included.

There is no requirement to short list internal applicants; however, the SAC should provide feedback to those internal applicants not short listed prior to commencing further assessment.

### 3.4.2. Referee Reports

Referee reports are the best sources of information on applicants' on-the-job performance. The Referee Report template can be accessed through the Master Document List. Referees are in a position to verify claims made by applicants regarding their knowledge, competency and ability.

SAC's are required to obtain and document referee comments for all applicants considered highly suitable for the vacant position after other assessment methods are applied. However, referee comments may be sought on any applicant at any stage in the selection process.

- SAC's are not limited to contacting referees nominated by the applicant and may, with the applicant's permission; contact any person who has knowledge of the applicant's performance. It is preferable that a recent supervisor of the applicant be contacted for comment where this will not unduly jeopardise current employment;
- A SAC member may act as referee (providing written comment preferably prior to assessment commencing).

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- Where possible verbal referee comments should be sought and properly documented. Verbal reports are often more objective and allow the SAC to identify issues which may not be mentioned in written referee reports.

### 3.4.3. Interviews

There is no requirement to use interviews as an assessment method.

SAC's should not place undue emphasis on interviews where they are used as one of the assessment methods. Interview "performance" does not always provide a reliable indication of knowledge, competency or ability.

Where interviews are used:

- The same interview structure must be used for all interviews to ensure equity. Therefore, a standard set of questions must be prepared by the SAC prior to interview. A different standard set of questions will need to be developed in the case of multiple interview rounds. Where interviews are conducted a copy of the standard questions used must be retained on file.

Advice on preparation of interview questions can be provided by People Management.

### 3.4.4. Examine Work Examples

There is no requirement to use work examples as an assessment method.

The SAC may examine work examples provided by the applicant and request applicants to provide/present work examples.

### 3.4.5. Conduct Performance Tests (written and/or practical)

There is no requirement to use performance tests as an assessment method.

The SAC may conduct written and/or practical performance test/s. However, where used as an option, the same test/s should be used for applicants in contention at each information search stage to ensure equity.

## 3.5. Documentation and Delegates' Decision

SAC's are required to use the reporting template at (Selection Advisory Committee (SAC) – Selection Report template available in the Master Document List) to make a recommendation to the Delegate where a merit selection has been undertaken.

The report requires the SAC to:

**3.5.1.** Provide position details;

**3.5.2.** Briefly describe the selection process/assessment options applied; and

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- 3.5.3. Provide a comparative assessment, in relation to the selection criteria, of applicants considered highly suitable (ranking applicants in order of suitability); and
- 3.5.4. Provide a listing of remaining applicants with a summary comment (brief) regarding why they were not recommended for the position (this may include a comment that they are not at the same level of suitability as recommended applicants for the following reason/s.....)
- 3.5.5. Attach the following: position documentation; and applications and referee reports for applicants recommended as highly suitable.

The Report must be forwarded, through People Management for recommendation to the Delegate for decision. The report must be attached to the vacancy file, containing remaining applications and associated documentation.

SAC's should retain any other information that will assist them in providing any additional information requested by the Delegate and feedback to applicants not in contention for the position.

This reduced documentation requirement should result in scribes no longer being required.

Where a merit selection has not been undertaken the documentation/forms required are outlined at "Recruitment Options" (2.2)

## Section 4 POST SELECTION ACTION AND RESPONSIBILITIES

### 4.1. Selection Outcome Advice and Feedback to Applicants

The SAC Convenor is responsible for providing verbal advice and feedback to the preferred applicant, all unsuccessful interviewees and other non-successful applicants who seek feedback.

Formal written advice must be provided to all unsuccessful applicants for long-term temporary and ongoing vacancies. People Management will provide this letter to the Group in which the vacancy is situated. Assistance may be sought from the Group where the vacancy is being filled when large numbers of advice to unsuccessful applicants are required.

People Management is responsible for the formal written offer to the preferred applicant. This offer will be made after the SAC Convenor has provided verbal advice, confirming interest and a possible start date.

### 4.2. Negotiation of Start Date

The start date for the external preferred person for engagement is a matter for negotiation between the Manager (usually the SAC Convenor) and the successful person. The preferred person must be able to meet a start date which is operationally reasonable.

The start date for internal temporary performance, ongoing reassignment of duties and promotion is a matter for negotiation between the Manager (usually the SAC Convenor) and the Director of the Section in which the employee is located.

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The start date for external (other APS Agencies) temporary/ongoing transfer and promotion is a matter for negotiation between the Manager (usually the SAC Convenor) and the employee's Manager in the other agency. People Management will send a formal request for release on advice of a possible reasonable start date.

It should be noted: in the case of temporary performance at level release may be refused on the grounds of operational requirements.

### 4.3. Negotiation of Salary

The only circumstance where salary is negotiable is when the Authority is offering engagement to an external non-APS applicant. The initial offer, in the formal letter of offer to the preferred person, will be at the bottom of the salary range applicable to the classification of the position. The preferred person may negotiate salary in writing with the Director/Manager People Management on the basis of competency and market value. People Management will consult with the relevant Manager and provide a recommendation to the Delegate.

### 4.4. Associated Recruitment Action

People Management will organise relevant formal paperwork for ongoing and non-ongoing engagement/promotion/ongoing reassignment of duties/transfer, medical reviews, and arrange relocation where required.

### 4.5. Induction

Induction is primarily the responsibility of the Manager of the new employee. Managers must ensure that all new employees complete the [APS On-line Induction](#) within four weeks of commencement. Completion certificates for each module should be forwarded to People Management to be placed on the employee's Personnel File. Satisfactory Probation Reports will not be approved until these certificates are received by People Management. (The Orientation Checklist is available in the Master Document List).

### 4.6. Probation

All persons engaged as ongoing employees are subject to 3 months' probation during which time their conduct, work performance and medical fitness will be assessed to determine whether they meet the standard required for confirmation of employment.

Managers are responsible for submitting a three month probation report on the probationary employee to People Management. Particular care should be taken to assess the performance of the probationary employee objectively as once the ongoing engagement is confirmed, it can be more difficult to remove an employee who is not performing at an acceptable level.

Where previously approved, probation may be extended out to a maximum of two years to allow a probationary employee to obtain Australian Citizenship, allow for assessment of medical fitness, or to allow for further assessment of conduct and/or performance. However, it should be noted that conduct and/or performance should normally be able to be properly assessed within six months. Further advice on this issue can be provided by People Management.

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## RECRUITMENT AND SELECTION (Revision 1)

### Section 5 REVIEW MECHANISMS

It should be noted: Where a recruitment/selection decision is subject to review, the recommending employee (SAC Convenor or Manager) will be responsible for furnishing information in relation to the decision to the reviewing person/body.

#### 5.1. Internal Review

Any Authority employee who believes that they have been adversely affected by a decision related to Recruitment and Selection within the Authority may seek review of that decision using the Review of Actions procedures in the Enterprise Agreement. A request for a Review of Actions is generally confined to the recruitment selection process.

#### 5.2. External Review

There are a number of formal external review and appeal mechanisms available to applicants. Employees who wish to obtain further information about these avenues, or wish to discuss any concerns about a recruitment/selection process should contact People Management.

#### Related Documents and Legislation

1. *Public Service Act 1999*
2. *Public Service Regulations 1999*
3. *Public Service Commissioner's Directions 2013*
4. Agency Head Determinations.
5. *Administrative Decisions (Judicial Review) Act 1977*
6. *Freedom of Information Act 1982*
7. *Privacy Act 1988*
8. *Racial Discrimination Act 1975*
9. *Sex Discrimination Act 1984*
10. *Human Rights and Equal Opportunity Commission Act 1986*
11. *Disability Discrimination Act 1992*
12. *Fair Work Act 2009*
13. *Great Barrier Reef Marine Park Authority (GBRMPA) Enterprise Agreement 2011-14*
14. Spent Convictions provisions in part VIIC of the *Crimes Act 1914*

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## Recruitment & Selection Procedures

### Objective

Recruitment and selection decisions are based on the principle of merit and equity at the Sydney Harbour Federation Trust (Harbour Trust). Candidates are selected through a transparent process of matching the right qualifications, experience, qualities and potential to meet the needs of the organisation now and into the future.

Employment at the Harbour Trust is based on the following principles:

- Building our skills and capabilities;
- Decisions relating to engagement and promotion that are based on merit;
- Ensuring fairness and accountability, a discrimination free environment without patronage and favouritism;
- Delivering an efficient, fair and timely process;
- Maintaining confidentiality and respecting the privacy for all applicants;
- Providing flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued;
- Recognising the diversity of the Australian community and fosters diversity in the workplace.

### Equal employment opportunity

The Harbour Trust is an equal employment opportunity employer, committed to ensuring that all applicants for selection or promotion are treated with courtesy and respect. Decisions on recruitment will be free from discrimination and harassment and will comply with the Gender, Age, Disability, Ethnicity and Antidiscrimination legislation by:

- Promoting equality regardless of race, colour or national or ethnic origin;
- Ensuring people are not treated less favourably on the grounds of gender or age;
- People with disabilities are not discriminated against by less favourable treatment and reasonable adjustments are made to accommodate an employee's disability where required;
- Actively promoting closing the gap strategies in developing participation of Indigenous Australians in paid employment.

The requirements of some people with disabilities may need to be accommodated within the work environment and the Harbour Trust will endeavour to make reasonable adjustments to the position to enable that person to do the job such as adjustments to the work station or job unless the required adjustments would cause unjustifiable hardship to the Harbour Trust.

### Privacy

The Harbour Trust respects and complies with its obligations under privacy legislation. Consequently, any personal information gathered about applicants that do not become employees, will be destroyed in line with the records management procedures, unless the permission or consent of the candidate has been obtained to keep any such information.

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Date	June 2015
Review Date	June 2017

## Compliance

Recruitment and selection processes will be conducted in accordance with the Harbour Trust's Code of Conduct and relevant provisions of the Harbour Trust's *Enterprise Agreement*.

No new ongoing or non ongoing full or part time appointments are to be made without a satisfactory Police Check being undertaken.

If a potential employee has been issued with an Australian National Police Certificate within the previous 3 months which shows no current convictions (copy to be provided) or comes from another APS agency, there is no need for a new check to be undertaken.

People applying for a Police Check will be treated fairly, equitably and in accordance with the principles of natural justice. Any action taken will be documented, transparent, legally defensible and capable of review.

All people applying for a Police Check must sign a consent form before the check can be undertaken. Any person refusing to complete and sign a consent form for the criminal record check will be precluded from recruitment or engagement.

All information will be dealt with in the strictest confidence and in accordance with the contract for the provision of criminal history information with CrimTrac and relevant legislation and policies. Unless otherwise advised, the Harbour Trust shall pay for an individual's criminal screening check.

The Executive Director may deem that certain positions require a higher security clearance check to be undertaken.

## Recruitment Process

Any decision to fill a vacancy will take into account the operational need to maintain business continuity, effective resource management, business unit priorities, the career management and development needs of employees, and any workforce management strategies in place at the time.

Accurate job descriptions should be maintained at all times so that an up-to-date description of the duties and required capabilities can be provided in any of the processes that might be used to fill a position.

**All recruitment must be authorised by the Executive Director before the recruitment process begins.**

## Advertising Vacancies

Vacancies will be advertised internally and externally depending on the position required. The Harbour Trust supports employees' career development and employees who develop the necessary skills, knowledge, and behaviours to successfully progress their careers within the Harbour Trust are encouraged to apply for vacant positions.

### External advertisements will:

- Usually be registered online unless it is deemed by the Executive Director that print advertising be used;
- Be written in clear, non-discriminatory language;
- Be reviewed by the Human Resources Manager and authorised by the Director;

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- State the essential and desirable criteria and qualifications required, the relevant Harbour Trust employee's contact details and a closing date;
- Include the wording in each advertisement: ***'The Sydney Harbour Federation Trust is an equal opportunities employer and we encourage applications from indigenous Australians and people with a disability'***;
- As an equal opportunity employer, the Harbour Trust will accept reasonable late applications.

## The selection panel

Wherever possible, recruitment decisions should be made by a panel of at least two people. The membership of the panel will be determined by the Hiring Director who is responsible for the make-up of the panel. It is recommended one member of the panel have a detailed knowledge of the requirements of the job.

## Personal conduct of selection committees and delegates

The minimum conduct required of each person in the selection committee is to:

- Act in the best interests of the Harbour Trust;
- Act impartially;
- Be honest, conscientious and accountable;
- Declare any conflict of interest and manage it responsibly;
- Treat others with courtesy, consideration and sensitivity;
- Maintain confidentiality at all times;
- Be aware and practice EEO principles.

In the case of 'identified' indigenous positions, the selection panel may wish to include a respected community member. Where applicants identify as indigenous through their written application, the Hiring Director may choose to include a respected community member in the selection process.

Hiring Directors may not authorise the appointment of a member of their own immediate or extended family unless authorisation is given by the Executive Director.

For senior or specialist positions, the Executive Director will choose the members of the Selection Panel.

## Selection Panel Duties

The selection panel should review the job applications and can request the Human Resources Manager to make a short list of the applicants who best meet the essential/desirable criteria for the position. They, or the Human Resources Manager, will organise the venue, date and time of interviews and make arrangements with the applicants to attend.

The selection panel will review the job description of the vacant position and base interview questions on the essential and desirable criteria listed for the job.

- The *essential criteria* are those which are essential for the performance of the job.
- The *desirable criteria* are those that will help the applicant perform the job, and give them a competitive advantage.

***(See the Recruitment Toolkit which includes the Recruitment Guide, Interview Form, Interview Matrix, and a list of sample interview questions)***

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By using these job criteria, the panel will have a fair and equitable standard to compare each applicant.

The choice of a successful applicant after the interview must be based on:

- The essential and desirable criteria of the job;
- The capabilities that have been identified by workforce planning to meet the Harbour Trust's ongoing needs;
- The right fit with the job and the team.

## Credible references

For certain positions please check the applicant's suitability for compliance with the required standards/qualifications.

## Baseline Vetting Process

Baseline clearances for employees of the Harbour Trust are:

- Confirmation of Australian citizenship or valid Visa to work in Australia;
- Police Check by Crimtrac;
- Professional Reference checks; (minimum 2)
- Required qualification checks;
- Confirmation of identity through production of driver's license, passport, birth certificate etc.

## Decision on Successful Candidate

Approval from the Executive Director is required for all contracts before the preferred candidate is offered the position. The Hiring Director/Human Resources Manager then notifies the successful applicant of the decision and the details of employment, such as commencement dates, salary etc. A verbal offer is a binding agreement of employment.

Interviewees who were unsuccessful should also be notified by telephone and given feedback on their interview by a member of the interview panel. Human Resources will organize notification to all unsuccessful applicants by e-mail and prepare the employment contract for successful applicant.

## Variations

*Sydney Harbour Federation Trust reserves the right to vary, replace or terminate this policy from time to time.*

## POLICY VERSION AND REVISION INFORMATION

**Authorised by: Geoff Bailey**

**Original issue: 1/1/2013**

**Title: Executive Director**

**Signed:**

**Dated: 1.6.15**

**Maintained by: Robyn Michael Human Resources Manager**

**Current version: 3**

**Title: Human Resources Manager**

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Recruitment steps and actions	Responsibility
Vacancy arises/recruitment need identified	Hiring Director and approval from Executive Director
<p>Analyse possible recruitment options considering:</p> <ul style="list-style-type: none"> <li>• budget;</li> <li>• skills, knowledge, experience required;</li> <li>• future needs of department.</li> </ul> <p>Decide what type of position, proposed classification, skills, knowledge and behaviours required.</p>	Hiring Director & supported by HR Manager
<p>Develop/review position description with:</p> <ul style="list-style-type: none"> <li>• Accountabilities, key selection criteria, required qualifications, skills, knowledge and behaviours;</li> <li>• Required qualifications such as First Aid Cert, White Card, drivers license, RSA etc</li> </ul> <p>Select attraction, recruitment and selection methodology, including any targeted search activities for equity groups such as indigenous or people with disability.</p> <p>Propose classification and salary utilizing benchmarking and the Trusts Capability Framework.</p>	Hiring Director supported by HR Manager
Complete <b>Recruitment Authorisation Form</b> , attach PD and seek approval of Executive Director.	Hiring Director/Executive Director
<p>Choose method of recruitment online advertising.</p> <p>Current external providers used are:</p> <ul style="list-style-type: none"> <li>• Beaumonts</li> <li>• Employment Office</li> <li>• Seek</li> <li>• Vacancy is advertised.</li> <li>• Hayes or other Recruitment Agencies (<i>usually for Manager/Director roles</i>)</li> </ul> <p>When advertising has closed, send all short listed applications to Hiring Manager.</p>	HR Manager
Establish selection panel, agree on responsibilities involvement and meeting time. Establish selection methodology, i.e. interview questions, case studies ( <b>See Recruitment Toolkit</b> ).	Hiring Director/Human Resources Manager

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Screen applications to narrow the field for the selection panel to consider and short list candidates to interview.	Hiring Director/HR Manager
Interview, assess and rank candidates using agreed selection methodology.	Hiring Director & panel members
For high level roles, it is recommended to perform a behavioural or Leadership testing process either through Employment Office	HR Manager/Hiring Director/Executive Director
Select preferred candidate and conduct referee checks. <b>(Referee Checklist).</b>	Hiring Director/panel member
Gain approval from the Executive Director before extending verbal offer of appointment to preferred candidate and negotiate terms. Notify Human Resources of successful candidate and provide details.	Hiring Director
Advise unsuccessful interviewed candidates by phone and provide feedback.	Hiring Director/panel member
Advise all unsuccessful candidates not interviewed by e-mail.	Human Resources Manager
Forward employment contract to preferred candidate with required Police Check application and other forms as required.	Human Resources Manager
Receive signed letter of offer/contract, Police check clearance and copies of quals etc.	Human Resources Manager

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## ELIGIBILITY REQUIREMENTS

Thank you for your interest in applying for a position in the Bureau of Meteorology.

The Bureau is an Executive Agency in the Sustainability, Environment, Water, Population and Communities portfolio of the Australian Government. Successful applicants are engaged as an employee of the Australian Public Service (APS) under the *Public Service Act 1999 (PS Act)*.

The PS Act allows the agency head, in this case the Director of the Bureau (or a recruitment delegate of the Director) to engage a person as an APS employee and to impose conditions on their engagement. Examples of specific conditions of engagement include Australian citizenship, probation, formal qualifications, security and character clearances and health clearances.

### ELIGIBILITY

#### **Citizenship & Employment in the APS**

There is a general expectation that people engaged as APS employees with the Bureau of Meteorology will be Australian citizens however on occasions we engage non-citizens with the relevant work permits.

If Australian citizenship is a condition for a position then the offer of engagement will include a requirement to show evidence of citizenship. Successful applicants who state they have Australian citizenship will be asked to supply an original birth certificate, Australian passport or certificate of Australian citizenship.

If a successful applicant holds permanent residence status or appropriate work entitlements in the case of New Zealand Special Category visas, he / she will be asked to provide the relevant documents and be engaged on the condition that he / she actively applies for Australian citizenship. A condition of employment may be imposed requiring that the employee obtains Australian citizenship within a specified period of time. If citizenship is then refused or it becomes clear that it will not be obtained, the Bureau may terminate the employee's engagement.

Specific skill or professional qualification requirements for some jobs can indicate that the Bureau's needs would possibly be best met by an applicant who does not hold Australian citizenship or permanent residence. Our advertisement and position information will usually indicate that International Applicants are welcome to apply. Any offer of engagement will require the Bureau and the applicant to meet visa and work requirements determined by the Department of Immigration and Citizenship. It is essential for an employee who is not a citizen to maintain appropriate work rights in respect of employment in Australia. Further information on visas can be obtained at <http://www.immi.gov.au/>

#### **Qualifications**

Applicants for specific Bureau occupational groups, for which mandatory qualifications have been prescribed, will be asked to provide evidence that they possess the necessary qualifications prior to engagement.

#### **Security and Character Clearances**

Successful applicants must be of good character. This assessment involves the checking, where appropriate, of police records, employment history and employment references. Where a security clearance is required applicants will be advised of those requirements under the Australian Government Security Guidelines prior to engagement.

### **Health Clearance**

For some Bureau occupations, specific health standards must be met, prior to engagement. This may involve a medical assessment organised with Health Services Australia or other related assessment considered appropriate. The Bureau Recruitment Unit will arrange medical assessments for the specific occupations that require them.

### **Probation**

Successful applicants may initially be employed on probation. Continued employment during the probationary period will depend on general conduct, work performance and other work-related requirements. Where a probationary period is applied, the probationary arrangements and the maximum period will be advised to the employee prior to engagement.

### **Applicants who have previously received a redundancy benefit**

Australian Public Service (APS) employees, who cease employment with a redundancy benefit, cannot be employed as an ongoing employee within their redundancy benefit period, which is equivalent to the number of weeks paid as a redundancy benefit (excluding payment in lieu of notice of termination). This provision also applies for any non-ongoing employment opportunities that exceed six months.

Where a person in this category applies for a position before their redundancy benefit period has expired, the application will only be considered where the applicant is close enough to the end of that period to make the employment action viable.