



# Australian Public Service Commissioner's Amendment Direction 2013 (No. 2)

Stephen Sedgwick AO  
Australian Public Service Commissioner

4 November 2013

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## 1 Name of Direction

This Direction may be cited as the *Australian Public Service Commissioner's Amendment Direction 2013 (No. 2)*.

## 2 Commencement

This Direction commences on 5 November 2013.

## 3 Authority

This Direction is issued under subsections 11A(1) and (2) of the *Public Service Act 1999*.

## 4 Schedule(s)

Schedule 1 amends the *Australian Public Service Commissioner's Directions 2013*.

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# Schedule 1—Amendments

## *Australian Public Service Commissioner's Directions 2013*

### [1] Paragraph 2.8(1)(b)

*substitute:*

(b) either:

- (i) the vacancy was notified before 5 November 2013 in accordance with clause 2.9; and
  - (A) an offer of engagement or promotion was made to the person before 5 November 2013; or
  - (B) the Commissioner is satisfied that, in the circumstances, it is not appropriate to require a re-notification of the vacancy in accordance with clause 2.9A; or
- (ii) the vacancy is notified on or after 5 November 2013 in accordance with clause 2.9A;

### [2] Heading to clause 2.9

*at the end, insert:*

**before 5 November 2013**

### [3] Subclause 2.9(1)

*after "a decision to fill a vacancy", insert:*

to which subparagraph 2.8(1)(b)(i) applies

### [4] After Clause 2.9

*insert:*

## **2.9A Notification of vacancy in the Public Service *Gazette* on or after 5 November 2013**

*Basic requirement for notification of vacancy*

- (1) Subject to this clause, a selection process for a decision to fill a vacancy to which subparagraph 2.8(1)(b)(ii) applies meets the requirements of this Division only if:
  - (a) the vacancy, or a similar vacancy, in the Agency was notified in the Public Service *Gazette* within a period of 12 months before the written decision to engage or promote the person; and
  - (b) the vacancy was notified with a closing date for applications of at least 7 calendar days after the notification (unless otherwise approved by the Commissioner).

Note: Part 2.2 provides modifications of and exceptions to the requirements in this Part for certain kinds of engagement and promotion decisions.

*Restricting applications to APS employees*

- (2) Subject to subclauses (3), (4), (5), (6), and (7), the vacancy must be notified in the Public Service *Gazette* as open only to persons who are APS employees.

*External advertising*

- (3) An Agency Head may seek the Commissioner's approval to advertise a vacancy or a class of vacancies in the Public Service *Gazette* as open to all eligible members of the community.
- (4) If the Commissioner is satisfied that there are special circumstances, the Commissioner may give approval.
- (5) Where the Commissioner approves a request, and where the vacancy has previously been advertised as open only to APS employees, the vacancy must be re-notified in the Public Service *Gazette* with the changed eligibility requirement.
- (6) Where the Commissioner approves a request, the vacancy may also be advertised externally (for example on a recruitment website).
- (7) External advertising must take place within 4 weeks of the *Gazette* notification that sought applications from eligible members of the community.

Note: The Department of Finance has issued a policy on non-campaign recruitment advertising.

*Multiple Agency notification*

- (8) An Agency participating in a multiple Agency selection process must ensure that there is adequate notification of the vacancy under its own Agency name in the Public Service *Gazette* (for example a heading followed by a link to multiple Agency notification).

*APS employees who are eligible applicants*

- (9) In this clause APS employee means a person who is an ongoing APS employee or an ongoing Parliamentary Service employee at the time of the relevant Public Service *Gazette* notification.
- (10) An applicant for a vacancy who was an APS employee at the time of Public Service *Gazette* notification, but ceases to be one during the selection process, ceases to be an eligible applicant for the vacancy.

**[5] Note to clause 2.10**

*omit:*

Clause 2.9 requires

*insert:*

Clauses 2.9 and 2.9A require

**[6] Subclause 2.15(1)**

*omit:*

clause 2.9

*insert:*

clause 2.9 or 2.9A

**[7] Subclause 2.16(1)**

*omit:*

clause 2.9

*insert:*

clause 2.9 or 2.9A

**[8] Subclause 2.17A(1)**

*omit:*

clause 2.9

*insert:*

clause 2.9 or 2.9A

**[9] Clause 2.24**

*omit:*

temporary movement

*insert:*

movement

**[10] Subclause 2.27(5)**

*omit:*

paragraph (3)(a)

*insert:*

paragraph (4)(a)