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

Stephen Sedgwick AO

Australian Public Service Commissioner

4 November 2013

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.*

Schedule 1—Amendments

Australian Public Service Commissioner’s Directions 2013

[1] Paragraph 2.8(1)(b)

 s*ubstitute:*

 (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)