

Interim Arrangements to Fill Public Sector Vacancies

Commissioner's Instruction 39

Statement of intent

Public sector bodies are able to respond to the competitive employment market through a temporarily streamlined recruitment process.

Scope and application

This Instruction applies to departments, Senior Executive Service (SES) and non-SES organisations as defined in section 3 of the *Public Sector Management Act 1994* (PSM Act).

It operates in conjunction with Commissioner's Instruction 2: Filling a Public Sector Vacancy but overrides it to the extent of any inconsistency.

It does not override any provisions of the PSM Act.

References

This Instruction should be read with:

- relevant provisions of the PSM Act
- Commissioner's Instruction 1: Employment Standard
- Commissioner's Instruction 2: Filling a Public Sector Vacancy.

Instruction

1. Following an individual assessment of merit and without advertising, an employer can appoint:
 - a. a person to an acting, secondment or fixed term contract opportunity for up to 12 months (increased from 6 months in Commissioner's Instruction 2) where there is no likelihood that the opportunity will be extended



- b. a previous permanent employee who worked for that public sector body for no less than 6 months (decreased from 12 months in Commissioner's Instruction 2) to a vacancy that is the same or similar to a previous role held by the employee, provided they have a documented record of satisfactory performance in their previous role and have met any severance or redundancy conditions
 - c. a person to a vacancy in any region listed in Schedule 1 of the *Regional Development Commissions Act 1993* except the Peel region
 - d. a person to a vacancy where their race, sex, disability or age is a [genuine occupational qualification](#) as the role provides services to the same diversity group, provided the qualification is stated in the job description and considered essential criteria [sections 27, 50(d), 66S(c) or 66ZQ(c) of the *Equal Opportunity Act 1984* (EO Act)]
 - e. a person to a vacancy using the [measures intended to achieve equality](#) on the grounds of race, sex, disability or age where the appointment assists the public sector body to meet the aspirational targets in the [Workforce Diversification and Inclusion Strategy for WA Public Sector Employment 2020-2025](#) [sections 31, 51, 66R or 66ZP of the EO Act].
2. An employer who has advertised a vacancy and conducted a recruitment process can appoint a person who has been deemed suitable through that process to a subsequent vacancy in the public sector body up to 12 months (increased from 6 months in Commissioner's Instruction 2) from when the recruitment decision was endorsed, provided the vacancy is at the same level and has identical or similar job requirements, and the possibility of appointment to a similar vacancy was stated in the original advertisement.
3. An employer can use the suitability list of another public sector body up to 12 months (increased from 6 months in Commissioner's Instruction 2) from when the recruitment decision was endorsed to appoint a person to a vacancy, provided the vacancy is at the same level and has identical or similar job requirements. The applicant's consent must be obtained before providing details to another public sector body.