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Australian Federal Police Commissioner's Order on Selection for Vacant Roles (CO7)

Metadata

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I, John Adrian Lawler, performing the duties of Commissioner of the Australian Federal Police, in the exercise of my powers under section 38 of the [Australian Federal Police Act 1979](#) and the *Australian Federal Police Regulations 1979*:

REVOKE Commissioner's Order 7 on Selection for Engagement, Assignment and Advancement which was issued on 28 September 2004; and

ISSUE a Commissioner's Order under section 38 of the Act with respect to -

the selection principles relating to the filling of vacant roles in the AFP, other than police and protective service officer recruitment and lateral police and protective service officer recruitment.

The administrative framework applying to the filling of vacant roles is as provided in the *National Guideline on Selection for Vacant Roles*.

This Order shall be referred to as Commissioner's Order 7 - Selection for Vacant Roles.

This Order takes effect from the date I sign the Order.

(Signed)

John Lawler

Date: 11.04.06

Purpose

The purpose of this Commissioner's Order is to outline the selection principles relating to the filling of vacant roles in the AFP, other than police and protective service officer recruitment and lateral police and protective service officer recruitment or other special employment categories.

1. Interpretation

In this Order, the following terms have the following meanings:

'Advancement' – means permanent progression by way of merit selection from one AFP Band to another AFP Band but does not include appointment to a senior executive employee role.

'Delegate' – means the Commissioner or a person delegated by the Commissioner to exercise employment powers under the Act or the Regulations, as prescribed by Commissioner's Order 1 or other specific instrument.

'Engagement' – includes permanent employment or employment for a fixed period.

'National Guideline' – means the National Guideline on Selection for Vacant Roles.

'the Act' – means the [Australian Federal Police Act 1979](#).

'the Regulations' – means the *Australian Federal Police Regulations 1979*.

2. Selection and Advancement Principles

2.1 The filling of vacant roles must be undertaken without patronage or favouritism as provided under section 69 of the Act.

2.2 Employment decisions must be based on the following values as provided under Regulation 3 of the Regulations:

- a) impartiality and professionalism;
- b) merit;
- c) freedom from discrimination;
- d) openness and accountability;
- e) fairness;
- f) equity in employment; and

g) effectiveness.

2.3 A decision is based on merit if:

- a) an assessment is made of the relative suitability of the applicants for the duties of the advertised vacant role, using a competitive selection process;
- b) the assessment is based on the relationship between the applicants' work-related qualities and the work-related qualities genuinely required for the duties;
- c) the assessment focuses on the relative capacity of the applicants to achieve outcomes related to the duties; and
- d) the assessment is the primary consideration in making the decision.

2.4 All parties to the selection processes and employment decisions (including applicants) are required to observe the principles of confidentiality and privacy in respect of the AFP's selection processes.

2.5 Nothing in this Order precludes or fetters the exercise of the Commissioner's power under section 40H(1) of the Act.

3. Notification of Employment Opportunities

3.1 AFP employment opportunities shall be notified consistent with the requirements of the Act and Federal Government policy to ensure that all eligible members of the community have a reasonable opportunity to apply.

3.2 An 'Expression of Interest' may be used to notify roles to be filled internally in accordance with the National Guideline.

3.3 A Delegate may restrict eligibility to apply for AFP roles based on grounds of cost or operational efficiency. Such roles shall be classed as 'restricted roles' and include the following:

- a) roles which require the exercise of police powers;
- b) roles which are determined to require the application of police experience, knowledge and training; or
- c) roles which are to be advertised internally, with eligibility restricted to AFP employees or other specified categories of persons.

4. Independent Selection Advisory Panel

4.1 When a vacant role exists and a business need arises, an Independent Selection Advisory Panel (ISAP) may be established by a Delegate in the relevant business area. An ISAP may also be established to address multiple vacant roles including roles that arise across business areas.

4.2 The function of an ISAP is to recommend to a Delegate:

- a) the most suitable applicant to fill an advertised vacant role; or

b) the most suitable applicant to fill a vacant role notified through an 'Expression of Interest' process.

4.3 An ISAP shall be constituted by a minimum of two persons who will have joint responsibility for the assessment and recommendation processes of the ISAP.

4.4 One member of the ISAP shall represent the business area where the vacant role has arisen. Wherever practicable, the second member of the ISAP shall be independent to that business area and may be a person who is not an AFP employee.

4.5 For an 'Expression of Interest', an ISAP may be wholly constituted from within the business area where the vacancy arises.

4.6 Where the Delegate is satisfied the presence of a community representative, technical expert or other suitably qualified person is required to ensure the effectiveness of the ISAP selection process, that person may be included as a member of the ISAP. In these cases, the Delegate may determine or qualify what role this person shall undertake as a member of the ISAP.

4.7 Any AFP employee nominated to be a member of an ISAP must (subject to the operational efficiency of their employing area) be released to perform that role, or an alternative employee is to be nominated.

4.8 The Delegate shall be satisfied that the ISAP has the necessary qualifications and expertise to perform its functions. In particular, the Delegate shall be satisfied that the ISAP comprises members who:

- a) understand the requirements of the vacant role;
- b) have the appropriate level of security clearance;
- c) have the skills necessary to conduct an objective, valid and fair assessment of each applicant's relative suitability using an appropriate combination of selection tools;
- d) use selection methods that provide for transparent and effective decision-making which is free from bias;
- e) are able to make a selection recommendation to the Delegate that is capable of withstanding independent scrutiny; and
- f) are able to ensure there is no conflict of interest (real or perceived) arising from the selection decision.

4.9 An ISAP shall undertake its functions:

- a) observing privacy obligations;
- b) according to merit;
- c) independently and impartially;
- d) in accordance with the principles of procedural fairness and natural justice,

anti-discrimination and relevant legislative requirements;

e) as quickly as possible; and

f) with as little formality as a proper consideration of the matter allows.

4.10 Subject to the principles of this Order and the National Guideline, the ISAP may undertake its functions and deliberations in any manner the ISAP considers appropriate in the circumstances.

4.11 An ISAP, in its assessment and recommendations of all applicants found suitable to perform the requirements of a vacant role, shall (wherever possible) establish an Order of Merit. An Order of Merit may generally be applied for a period of twelve months, or longer where appropriate, as determined by the Delegate. An Order of Merit may be used for a similar or substantially similar vacant role including a role in another business area.

4.12 Where an ISAP has commenced its function, and a member of the ISAP needs to be replaced during its deliberations, the ISAP may continue with the process with a new member of the panel appointed by the Delegate. In these circumstances, the new member shall take into account or revisit the earlier deliberations of the ISAP, and any other matters pertaining to that process, prior to the continuation of the process. A Delegate may determine whether, dependent upon the circumstances, an ISAP should be reconstituted.

4.13 If there is disagreement or dissent between members of the ISAP, the Delegate shall be provided with the outcomes (including the areas of disagreement or dissent) of the ISAP selection process and shall either:

a) make a decision on the material provided by the ISAP; or

b) direct that a new ISAP be convened and the selection process recommenced.

4.14 An ISAP recommendation is not binding on the Delegate.

4.15 Selections made by a Delegate on the recommendation of an ISAP are non appealable.

4.16 A Delegate's decision in respect of the recommendation from an ISAP shall be in writing.

4.17 A Delegate may, prior to exercising his or her delegation:

a) ask the ISAP to reconsider its recommendation in light of any additional information relevant to the selection process made available to the Delegate; or

b) undertake any inquiries or consider other information provided to the Delegate relevant to the selection decision.

5. Review of ISAP Processes

5.1 The selection processes followed by an ISAP may be subject to review on the following grounds:

a) there has been a breach of the application of Regulation 3 of the Regulations;
or

b) there has been a material and significant departure from the selection

processes as set out in this Order or the National Guideline.

5.2 A request by an applicant for review of the ISAP selection process must be received within seven (7) calendar days of an applicant being notified, in writing, that the ISAP has made its recommendations. A Delegate's consideration and determination of the ISAP report and recommendations shall not be finalised prior to the conclusion of the review period.

5.3 An application for review of the selection process will operate to stay the process until such time as the Delegate has made a determination of the request for review and advised the applicant of the outcome.

5.4 If the Delegate finds that there has been a material or significant departure from the provisions of this Order or the National Guideline, the Delegate may:

- a) direct the ISAP to take such steps considered necessary to remedy any defect in the selection process; or
- b) if the Delegate considers the defect in the selection process to be so serious as to be without remedy, direct that selection process be abandoned and the selection process be recommenced with a new ISAP; or
- c) refer the matter to Professional Standards if they suspect an abuse of office or other misconduct has occurred.

6. Direct Engagement

6.1 A requirement for direct engagement may arise in specific employment circumstances. In such cases, an ISAP process need not be utilised as provided in this Order. Specific circumstances where direct engagement may be appropriate include, but are not limited to:

- a) employment up to and including Band 3;
- b) a fixed term of employment;
- c) targeted employment where an external selection process has failed to produce a field of suitable candidates;
- d) the conversion of fixed term (non-ongoing) employees and trainees to on-going employees after the passage of at least 6 months from their initial engagement; or
- e) having regard to market considerations or availability and where the Delegate is satisfied there is no like internal specialised skill set or there are limited skill sets available in the external market.

6.2 A direct engagement must be able to satisfy the Delegate, in any manner the Delegate thinks appropriate, in relation to:

- a) the application of the "Selection and Advancement principles" in this Order;
- b) the person's satisfactory performance and integrity as a fixed term (non-ongoing) employee or trainee; and
- c) the direct engagement is supported by relevant documentation.

7. Special Employment Category

7.1 The following groups of persons constitute an employment category to which the engagement and selection provisions of this Order may not apply:

- a) persons selected for an Indigenous employment initiative; or
- b) other Government supported special employment programs.

8. Disputes

8.1 Where a dispute regarding the application of selection processes relevant to this Order arises the dispute shall be resolved in accordance with the dispute resolution procedures as provided in Regulation 24 of the Regulations.

9. Transitional Provisions

9.1 Any selection process commenced under the previous Commissioner's Order 7 relating to Selection for Engagement, Assignment and Advancement may proceed to conclusion as if that previous Order still applied.