

NORTHERN TERRITORY OF AUSTRALIA

Public Sector Employment and Management Act 1993

REVOCATION OF PUBLIC SECTOR INSTRUMENTS No. 11, 12, 16, 19, 21, 25 and 26

PUBLIC SECTOR INSTRUMENT No. 27

I, VICKI TELFER, the Commissioner for Public Employment:

1. Under section 14 of the *Public Sector Employment and Management Act 1993* ('the Act') and with reference to section 43 of the *Interpretation Act 1978* revoke the seven Public Sector Instruments specified in Schedule 1.
2. Under sections 14 and 30(1)(b) of the Act and with reference to section 42 of the *Interpretation Act 1978*, approve the Chief Executive Officer of an Agency to select without advertising the following employment matters subject to the conditions specified in:

Schedule 2 - Northern Territory Public Sector Traineeships / Apprenticeships

Schedule 3 - Entry Level Recruitment - AO1 and AO2

Schedule 4 - Entry Level Recruitment - Remote Locality

Schedule 5 - Progression Scheme (Technical and Professional)

Schedule 6 - Subsequent Vacancies

Schedule 7 - Filling Vacancies Resulting From Substantial Change

Schedule 8 - Condition of Employment – Visa Requirements

Schedule 9 - Upon Obtaining an Essential Qualification

Dated 8 April 2020


VICKI TELFER
Commissioner for Public Employment

Schedule 1

Public Sector Instrument No. 11	Select Without Advertising - New Apprentices and Trainees
Public Sector Instrument No. 12	Select Without Advertising - Entry Level Recruitment AO1 and AO2
Public Sector Instrument No. 16	Select Without Advertising - In Remote Communities
Public Sector Instrument No. 19	Professional 1 / Professional 2 Progression Scheme
Public Sector Instrument No. 21	Select Without Advertising – Subsequent Vacancies
Public Sector Instrument No. 25	Technical 1 / Technical 2 Progression Scheme
Public Sector Instrument No. 26	Select Without Advertising – New Zealand Citizen



SCHEDULE 2

Northern Territory Public Sector Traineeship / Apprenticeship

Select without Advertising - Northern Territory Public Sector Traineeship / Apprenticeship

The Chief Executive Officer, or their delegate, may select without advertising an employee or a person to perform duties that are to be performed for a period exceeding six months:

- (i) if the Agency has acted as the host employer for the employee or person; or
- (ii) if the Agency has acted as the host employer for the employee or person and there is no likelihood of further employment; and
- (iii) selection is in accordance with the conditions listed below.

Conditions

1. The employee or person is to hold one of the following traineeships / apprenticeships:
 - a. Northern Territory Public Sector Traineeship / Apprenticeship
 - b. Northern Territory Public Sector Graduate Trainee
 - c. Trainee Technical Officer
 - d. Trainee Library Technician
 - e. Trainee Professional Group
 - f. Trainee Non Classified
2. The employee or person is selected during or not later than six months after they have successfully completed the training required by their traineeship / apprenticeship.
3. The employee or person is transferred to a vacancy with a designation equivalent to the designation of the traineeship / apprenticeship held by the employee or person.
4. The employee or person has not previously been selected to perform duties relying on this approval.
5. The appointment or promotion is notified as required by section 30(2) of the *Public Sector Employment and Management Act 1993*.



SCHEDULE 3
Entry Level Recruitment – AO1 and AO2

Select Without Advertising - Entry Level Recruitment – AO1 and AO2

The Chief Executive Officer, or their delegate, may select without advertising an employee to perform duties that are to be performed for a period exceeding six months if the selection is in accordance with conditions listed below.

Conditions

1. The employee was recruited to perform the duties of the job through Entry Level Recruitment.
2. The duties performed are at the Administrative Officer 1 (AO1) or Administrative Officer 2 level (AO2).
3. The selection is notified as required by section 30(2) of the *Public Sector Employment and Management Act 1993*.



Entry Level Recruitment – Remote Locality

Select Without Advertising - Entry Level Recruitment – Remote Locality

The Chief Executive Officer, or their delegate, may select without advertising a person or an employee who:

1. satisfies the requirements of section 31 of the *Public Sector Employment and Management Act 1993* to perform, for a period exceeding six months, the duties of a position classified as:
 - a. Administrative Officer 1;
 - b. Administrative Officer 2;
 - c. Physical 1; or
 - d. Physical 2; and
2. is at a place specified in the list below.

List of Remote Localities

<u>A</u>	<u>B</u>	<u>C-F</u>
Adelaide River	Baniyala (Yilpara)	Canteen Creek (Orwairtilla)
Alexandria Downs	Bardalumba (Bartalumba Bay)	Cape Crawford
Ali Curung (Alekarenge)	Barunga (Bamyili)	Cape Don
Arlparra (Utopia New Store)	Batchelor	Clinic (Utopia Clinic)
Alpurrurulam (Lake Nash)	Bauhinia Downs	Cobourg (Thunder Rock)
Alyangula	Belyuen (Delissaville)	Daly River
Amanbidji (Kildurk)	Beswick (Wugularr)	Daly Waters
Ampilatwatja (Ammaroo)	Birany Birany	Dhalinybuy (Dhalingboy)
Angurugu	Borrooloola	Dhuruputji (Maywundji)
Antarringinya (Antarrenge)	Boruwuy	Djurranalpi (Djanalpi)
Arawerr (Soapy Bore) (lyngiynyala)	Brunette Downs (Corella Creek)	Donydji (Donidji)
Areyonga (Utju)	Bulla Camp	Douglas Daly
Arltunga	Bullita	Dundee Beach
Atitjere (Harts Range)	Bulman (Gulin Gulin)	Edith Falls
Avon Downs		Elliott
		Engawala (Alcoota)
		Finke (Apatula)
		Finke River Gorge

SCHEDULE 4

Entry Level Recruitment – Remote Locality continued

<u>G</u>	<u>H-J</u>	<u>K-L</u>
Galiwinku (Elcho Island)	Haasts Bluff (Ikuntji)	Kalkarindji (Wave Hill)
Gan Gan (Gangan)	Hermannsburg (Ntaria)	Kaltukatjara (Docker River)
Ganjarani (McArthur River)	Hodgson River	Keep River
Ganpura (Bapulu)	Imangara (Murray Downs)	Kiana
Gapuwiyak (Lake Evella)	Imanpa (Mt Ebenezer)	Kidman Springs
Garrthalala (Garrtbalala)	Ipolera	Kings Canyon
Gochan Jiny Jirra	Jabiru	Kintore (Walungurru)
Gunbalanya (Oenpelli)	Jilkminggan (Djembere) (Duck Creek)	Kulgera
Gurumurru		Kulpitarra
Gutjangan (Bremer Island North)		Lajamanu (Hooker Creek)
		Laramba (Napperby)
		Lilla
		Litchfield Park (Woolaning) (Walker Creek)
<u>M</u>	<u>M (continued)</u>	<u>N-Q</u>
Mallapunyah	Mount Barkley	Nathan River
Mamaruni (Croker Island)	Mount Liebig (Amunturangu) (Watiyawanu)	Newcastle Waters
Maningrida	Mount Todd	Nganmariyanga (Palumpa)
Manmoyi (Manmoi)	Mungkarta (McLaren Creek)	Ngukurr (Roper River)
Manyallaluk (Eva Valley)	Murun Murula	Nudjabarra (Nudgeburra) (Nicholson River)
Mapuru (Mapurru)	Mutitjulu (Ayers Rock)	Numbulwar (Rose River)
Maranboy		Nyirripi (Waite Creek)
Mataranka		Ormiston Gorge
Mayvale		Orrtipa-Thurra (Baikal) (Bonya)
Mbunghara (Dashwood)		Owen Springs
Milakburra		Papunya
Milaknurra		Peppimenarti
Milikapiti (Snake Bay)		Pigeon Hole (Bunbidee)
Milingimbi		Pine Creek
Milyakburra (Bickerton Island)		Pirlangimpi (Pularumpi) (Gaden Point)
Minyerri (Hodgson Downs)		Point Stuart
Mirrnatja (Mirrngatja)		

SCHEDULE 4

Entry Level Recruitment – Remote Locality continued

<u>R-V</u>	<u>W-X</u>	<u>Y-Z</u>
Ramingining	Wadeye (Port Keats)	Yarralin
Rittarangu (Urapunga)	Walhallow	Yirrkala
Robinson River (Mungoobada)	Wallace Rockhole (Ulana)	Yuelamu (Mount Allen)
Rorruwuy	Warrego	Yuendumu
Rurrangala (Dhuwalkitji)	Warruwi (Goulburn Island)	Yulara
Santa Teresa (Ltyentye Apurte)	Watarrka	
Stirling Station (Wilora)	Wauk (Murganella) (Murganella	
Tara (Neutral Junction)	Plains)	
Ti Tree	Wildman River	
Timber Creek	Willowra (Wirliyatjarrayi)	
Tipperary Station	Wogyala (Rockhampton Downs)	
Titjikala (Maryvale)	Woodycupaldiya	
Trephina Gorge	Wooliana (Daly River)	
Ukaka (Tempe Downs)	Wurrumiyanga (Bathurst Island)	
Umbakumba	(Nguiu)	
Utopia (Ankerrapw)	Wutunugurra (Epenarra)	
Victoria River Downs		



Progression Scheme (Technical and Professional)Select Without Advertising - Progression Scheme – Technical and Professional

The Chief Executive Officer, or their delegate, may select without advertising:

- i. An employee to perform duties for a period exceeding six months in accordance with the conditions listed below for the designations of Technical 1 and Technical 2 or Professional 1 and Professional 2.
- ii. In accordance with section 30(2) of the *Public Sector Employment and Management Act 1993*, direct that the selection of a person under paragraph (i) not be notified and not be subject to appeal under section 59B of that Act.

Conditions

1. The Chief Executive Officer may identify appropriate positions within the Technical or Professional classifications for the progression scheme.
2. The designation must exist at the Technical 2 level or Professional 2 level and have been evaluated at that level through the Job Evaluation System. This is achieved through two job evaluations and job descriptions, at both the Technical 1 and Technical 2 or Professional 1 and Professional 2 levels, being held against the one position number.
3. This scheme is not to apply to a position where the duties have been evaluated only at the Technical 1 or Professional 1 level and the incumbent of the position is required to perform duties only at that level.
4. Where a vacancy occurs at the Technical 2 or Professional 2 level, the Chief Executive Officer may advertise the position at both levels (i.e. Technical 1/Technical 2 or Professional 1/Professional 2).
5. The Agency must develop assessment procedures based on the Northern Territory Public Sector Recruitment and Selection Policy and Merit Selection.
6. Subject to paragraph 1 above, to initiate the procedure for advancement an employee at the Technical 1 or Professional 1 level may apply to their supervisor, or the supervisor may invite the employee to apply, for progression to the Technical 2 or Professional 2 level (whichever is applicable).
7. The employee must submit a covering letter and their resume outlining their knowledge, skills, qualifications and experience for the position at the Technical 2 or Professional 2 level.



Progression Scheme (Technical and Professional) continued

8. A selection panel, formulated in accordance with the Merit Selection Training Manual, must assess the employee's application against the selection criteria and the merit principle. The employee must nominate a least two relevant referees.
9. A report recommending or declining the application for promotion must be referred to the Chief Executive Officer, or their delegate, for a decision.
10. If the application is unsuccessful the:
 - a. Employee is to be provided with post selection feedback.
 - b. Agency should consider the professional development of the employee.
 - c. Employee may request a review under section 59 of the *Public Sector Employment and Management Act 1993*.
 - d. Employee may re-apply for the promotion after 12 months has elapsed from the date of the selection panel decision, or earlier as agreed by the Chief Executive Officer.
11. Advancement to the Technical 2 or Professional 2 level will take effect from the date the Chief Executive Officer, or their delegate, approves the promotion.



SCHEDULE 6
Subsequent Vacancies

Select Without Advertising - Subsequent Vacancies

The Chief Executive Officer may select without advertising a person or an employee to perform duties that are to be performed for a period exceeding six months if there is a vacancy for a person to perform duties and:

1. the vacancy is advertised, with the selection process resulting in one or more suitable applicants;
and
2. within nine months from the last day of the original advertisement, being the electronic advertisement or date of print media whichever is the later, the same vacancy arises again or another vacancy to perform identical duties at the same designation arises;

without further advertising:

3. one of the suitable applicants referred to in paragraph (1) may be selected in accordance with the merit principle; or
4. the original applicants from the selection process referred to in paragraph (1) may be assessed for suitability in accordance with the merit principle provided that the selection:
 - a. occurs within nine months from the last day of the electronic advertisement or date of print media, whichever is the later; and
 - b. is notified in the same manner as occurred in the selection process referred to in paragraph (1).
5. In this instance, approval under section 30(1)(b) of the *Public Sector Employment and Management Act 1993* can only be exercised by the Chief Executive Officer.



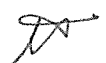
Filling Vacancies Resulting from Substantial ChangeSelect without Advertising - Filling Vacancies Resulting from Substantial Changes

In reference to Employment Instruction Number 1 – Filling Vacancies, where a vacancy resulting from substantial changes:

- (i) is not filled by an ongoing employee from the affected work unit (including those who may be on leave or temporary transfer to another work unit or Agency); or
- (ii) a potentially surplus employee from outside the affected work unit.

The Chief Executive Officer may consider the appointment of a suitable employee, under section 30(1)(b) of the *Public Sector Employment and Management Act 1993*:

1. Who was originally selected on merit to a vacancy in the work unit and who has been employed in the unit for more than six months service on either a renewal or second fixed period contract for the same position, and not in an externally funded position. The employee may be considered for an appropriate ongoing vacancy in the unit at level or a lower level; or
2. With more than 18 months service and on their third fixed period contract for the same position in the work unit, which is externally funded; or
3. On continuous higher duties allowance for more than 18 months in the same job.
4. Where there is more than one suitable employee for a vacancy from the employees set out in paragraphs (1), (2) or (3) a selection will be made on merit between them.
5. In this instance, approval under section 30(1)(b) of the *Public Sector Employment and Management Act 1993* can only be exercised by the Chief Executive Officer.



SCHEDULE 8
Conditions of Employment – Visa Requirements

Select Without Advertising - Condition of Employment – Visa Requirements

The Chief Executive Officer, or their delegate, may select without advertising a person or an employee to perform duties as an ongoing employee in accordance with conditions listed below.

Conditions

1. The person applied for an advertised position for ongoing employment and was selected for that position in accordance with the merit principle.
2. The person is a New Zealand citizen and holds a Special Category Visa or the person holds an appropriate visa which enables them to live and work indefinitely in Australia.
3. Because of the person's New Zealand citizenship or non-Australian citizenship, the person was employed on a fixed period contract for the position.
4. There was no other reason the person was not employed on an ongoing basis for the position.
5. In accordance with section 30(2) of the *Public Sector Employment and Management Act 1993*, direct that the employment of an employee under this Schedule is not required to be notified.



SCHEDULE 9
Upon Obtaining an Essential Qualification

Select Without Advertising - Upon Obtaining an Essential Qualification

The Chief Executive Officer, or their delegate, may select without advertising under section 30(1)(b) of the *Public Sector Employment and Management Act 1993*, a person who is required to perform the duties in a designation that requires an essential educational qualification as contained in Determination Number 3 of 1999, subject to the following conditions.

Conditions

1. The vacancy was advertised and the merit selection process resulted in an employee being found suitable.
2. The employee was employed on a fixed period basis subject to obtaining the essential educational qualification.
3. There was no other reason the person was not employed on an ongoing basis for the position.
4. The employee has subsequently obtained the essential qualification.
5. In accordance with section 30(2) of the *Public Sector Employment and Management Act 1993*, direct that the employment of a person under this Schedule is not required to be notified.



