



Australian Government

Australian Public Service Commission

Australian Government Appointments Framework



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Part I – Australian Government Appointments Framework

Introduction

1. The Australian Government Appointments Framework (the Framework) outlines the Australian Government's approach to the identification and appointment of suitable candidates to Commonwealth public offices including departmental secretaries, other agency heads, statutory office holders and Government boards.
2. The Framework recognises that the responsibility for appointments rests with ministers – and that ministers are accountable to the Cabinet, the Parliament and the Australian people for their decisions and actions.
3. Against that background, the overriding objective of the Framework is to support ministers to make the best possible merit-based appointments in the interests of good government and delivering positive outcomes for the Australian community.
4. In recognition of the extraordinary range of roles that exist across the public sector, the Framework is principles-based – ensuring that ministers have the flexibility to implement selection processes that are appropriate and proportionate for each appointment or set of appointments.
5. Ministers will be supported by their departments to implement the Framework. The Department of the Prime Minister and Cabinet will oversee the Framework, and the Australian Public Service Commission (APSC) will provide support and advice to agencies to build their capability to implement the Framework.

Application

6. The Framework applies to all appointments to Commonwealth public offices, including secretaries, other agency heads, statutory office holders and appointments to Government boards other than:
 - a. elected offices
 - b. appointments made under the Constitution
 - c. appointments made by the Governor-General under Letters Patent, including to Royal Commissions and councils or committees established under the Australian Honours and Awards system
 - d. Commonwealth courts and tribunals
 - e. time-limited offices
 - f. diplomatic appointments
 - g. *ex-officio* appointments
 - h. appointments made by departments and agencies, including advisory boards that do not report directly to a minister
 - i. general engagements of Australian Public Service and other Commonwealth employees
 - j. representative roles, such as offices governed by international treaties, boards with state and territory appointees, or organisational representatives, and
 - k. appointments exempted from the Framework with the agreement of the Prime Minister.

7. Where a minister is responsible for an appointment to a public office listed in paragraph 6, they should seek to apply the Framework so far as it is applicable.

Other requirements

8. The Framework must be applied in conjunction with other legislative and policy requirements. These requirements can be found in, but not limited to:
 - a. the terms of any legislation governing the appointment (e.g. the *Public Service Act 1999* for departmental secretaries and the heads of executive agencies)
 - b. the Cabinet Handbook
 - c. the Executive Council Handbook
 - d. intergovernmental agreements
 - e. government policy orders made by the Minister for Finance
 - f. targets for gender balance on Australian Government boards
 - g. constitutions of Commonwealth-owned companies and trusts, and
 - h. approved board charters.
9. In the case of conflict, the Framework should be read subject to any requirement of a kind mentioned in paragraph 8.

Operational guidance

10. To support ministers and their departments to implement the Framework, the APSC and the Department of the Prime Minister and Cabinet are responsible for developing Guidance which will be updated from time to time.

Part II – Appointment Principles

11. Appointments to Commonwealth public offices should be consistent with the following 7 principles:

1. **Ministers must always seek to make the best possible appointments on the basis of merit, and in the interests of good government and delivering positive outcomes for the Australian community**
 - Ministers must ensure that appointments are made on the basis of merit. Assessment and due diligence of candidates' skills and capabilities against the position requirements is critical to selecting the best appointees for public office. Considerations include candidates' capacity, skill, and qualities in regard to the position, as well as their character, personal integrity, background and ability to contribute to organisational performance.
2. **Ministers are responsible for, and should be transparent about, appointments within their portfolio(s)**
 - Ministers are directly accountable to the Cabinet, the Parliament and the Australian people for appointments within their portfolio. Ministers must therefore take responsibility for ensuring a suitable selection process for all appointments in their portfolio(s) (having regard to the Appointment Principles).
 - Ministers should be transparent about, and be prepared to publicly justify, the appointments they make or recommend be made, and any process they implement in connection with those appointments.
 - Ministers must ensure that appointments comply with any applicable legislative requirements.
3. **Appointments to public office and boards should reflect the breadth of the Australian community**
 - Diverse representation and perspectives improve performance and organisational outcomes, strengthens decision making and bolsters innovation. Ministers will seek to ensure that Commonwealth bodies and public boards reflect an appropriate balance of skills, diverse backgrounds and different perspectives including, but not limited to, cultural and linguistic diversity; regional backgrounds; underrepresented groups such as First Nations peoples, people with disability and young people; gender balance; socio economic background; and private and non-profit sector perspectives.
 - When appropriate and proportionate, ministers should publicly advertise roles – or implement standing expressions of interest registers – to assist in identifying a broad pool of suitable, high-quality candidates.
4. **Ministers should work with, and seek advice from, their departments when determining and implementing selection processes**
 - Ministers should work closely with, and seek advice from, their departments when it comes to determining and implementing suitable selection processes. Ministers may also task certain decisions to their departmental secretary as part of this process.

- Vacancies should be filled as soon as possible and appointment processes should be completed in an efficient and timely manner, proportionate and appropriate to the context. This includes through forward planning by entities.
- 5. Ministers have flexibility to implement selection processes suitable for sourcing the best candidates for appointments within their portfolio(s)**
- The diverse range of roles and boards that exist across the public sector calls for selection processes that are flexible, responsive and proportionate – consistent with the overriding objective of making the best possible appointments. Ministers therefore have flexibility to establish selection processes appropriate for and proportionate to the nature of each appointment.
- 6. When appropriate and proportionate, ministers should use independent assessment panels to identify suitable candidates for appointments**
- Assessment panels can provide ministers with a choice of high-quality candidates, drawn from a strong, diverse field, whose skills, experiences, potential and qualities have been judged to best meet the needs of the relevant public entity.
 - For this reason, whenever appropriate and proportionate, ministers should – in consultation with their departments – establish assessment panels comprising appropriate individuals with a balance of skills, experience and diversity relevant to the role being assessed.
- 7. Ministers should seek to continuously strengthen the performance of boards and public bodies**
- Appointees to public office and boards are expected to uphold high standards of integrity and accountability, and act in the public interest. In making specific appointments, ministers should consider the performance of the relevant board or public body as a whole – ensuring boards and public bodies reflect an appropriate balance of expertise and experience.
 - In making appointments, considering reappointments or determining term limits, ministers should seek to balance the desirability of continuity with the importance of ongoing renewal.

Part III – Roles and responsibilities

12. The below table outlines the responsibilities of ministers, and departments and agencies in the appointments process.
13. Where legislation governs an appointment, an office or entity other than the minister may be given responsibility for making or recommending an appointment. For example, this may occur when an entity is overseen by a board. In such cases, the office or entity responsible for the appointment will generally assume the responsibilities of the minister set out below.

Table 1: Roles and responsibilities

Role	Responsibilities
Ministers	• Making appointments or recommending appointments to the Prime Minister, the Cabinet and the Governor-General in Council (where applicable) • Determining appropriate selection processes in consultation with their departments • Where an assessment panel is used, determining the composition of assessment panels in consultation with the relevant department, or delegating that decision to the department • Ensuring that appointees have the necessary skills and capabilities and, in the case of boards, that the overall board membership has the necessary skills and diversity of membership • Being accountable for who is appointed and how the person is appointed, and being transparent about those matters (e.g. by including information about an appointment process in a relevant media release, or through regular public reporting) • Providing regular updates to the Prime Minister on upcoming vacancies in their portfolio
Departments	• Informing ministers of upcoming vacancies in a timely manner and supporting ministers to provide regular updates to the Prime Minister on upcoming vacancies • Providing advice on the requirements for appointment to a public office based on a skills matrix or position description • Supporting appointment processes, including assessment panels, where applicable, and reporting on the outcomes to ministers • Providing support to boards and board members in the selection process (where applicable) • On-boarding of appointees

Role	Responsibilities
	• Maintaining appropriate record keeping • Maintaining expression of interest registers, where appropriate
Department of the Prime Minister and Cabinet	• Advising the Prime Minister and the Public Service Minister on the effectiveness of the Framework • Working with the APSC to develop Guidance on the Framework to support ministers and their departments • Advising on application of the Cabinet Handbook and Executive Council Handbook to appointments • Approving any Guidance on the Framework
Australian Public Service Commission	• Where requested by ministers (such as for significant or sensitive appointment processes), the APS Commissioner may participate on assessment panels or provide support and advice within the scope of the Commissioner's statutory functions under part 5 of the <i>Public Service Act 1999</i> • Working with the Department of the Prime Minister and Cabinet to develop Guidance on the Framework • Building capability of agencies to use the Framework

Part IV – Appointment pathways

14. As they consider making or recommending an appointment to a Commonwealth public office, ministers are required to consider the appointment pathway that will identify the best possible candidate for the position in a timely and cost-effective way.
15. Broadly speaking, there are three pathways ministers may choose under the Framework – open competitive, closed competitive or direct appointment. The three options are not mutually exclusive. For example, where a closed competitive process does not identify an appropriate candidate for appointment, a minister may choose to move to an open competitive process.
16. Under the Framework, candidates' suitability for appointment must be assessed. Where assessment panels are used, panels should ordinarily be tasked with identifying an unranked pool of suitable candidates. Such an approach will ensure the broadest range of suitable candidates can be considered, and enables flexibility in the event alternative candidates are required to be considered. However, ministers also have the flexibility to ask panels to rank or identify preferred candidates, where they consider it appropriate.

Table 2: Appointment pathways

Pathway	Common features
Open competitive	• Applications or expressions of interest • Advertising proportionate to role – may include agency websites, APSJobs, other job search portals, news media, industry publications, online platforms • Consideration of existing expression of interest registers or merit pools • Identified individuals may also be approached and invited to apply in addition to advertising • Assessment panel, with membership determined by minister in consultation with the relevant department, or delegated to the department • Suitability report prepared by an assessment panel identifying the largest possible pool of suitable candidates (unranked)
Closed competitive	• Individuals are identified and approached to make an application or expression of interest • Assessment panel may be convened, with membership determined by minister in consultation with the relevant department, or delegated to the department

Pathway	Common features
	• If applicable, a suitability report prepared by assessment panel identifying the largest possible pool of suitable candidates (unranked) • If an assessment panel is not convened, a departmental secretary may meet with individuals and prepare a report of suitable candidates (unranked)
Direct	• Identified candidate or candidates are approached (on the basis that, for example, they are uniquely qualified, they were found suitable in a previous appointment process for a similar position, urgent or exceptional circumstances, or the appointment is made following a person filling the position on an acting basis)

17. In selecting the best pathway for a particular appointment or set of appointments, matters to consider may include:
- any statutory requirements applicable to the appointment
 - nature of the appointment
 - number of individuals to be appointed
 - in the case of potential re-appointments, balancing the desirability of continuity with the importance of renewal
 - desirability of 'testing the market', including in the case of potential re-appointments
 - value for money considerations, noting agencies are responsible for costs associated with appointments processes
 - most effective way of considering a broad range of candidates with diverse backgrounds
 - whether existing merit pools or expression of interest registers yield sufficient breadth of candidates
 - whether the nature of the role makes it desirable that a particular individual be approached
 - the desirability of filling vacancies as soon as possible, including where a vacancy is unexpected or arises at short notice, and
 - time that would be required to run a particular process.
18. Further advice on implementing the pathways can be found in the Guidance prepared by the APSC and the Department of the Prime Minister and Cabinet.

Part V – Implementation

Upcoming appointments

19. Ministers, supported by their departments, are responsible for ensuring they monitor all upcoming appointments in their portfolio and provide regular updates to the Prime Minister on how vacancies will be filled.

Incumbents

20. A minister may reappoint, or recommend for reappointment, the incumbent to a public office subject to any legislative requirements, the requirements of the Cabinet Handbook with respect to significant appointments, and any relevant policies. However, in considering potential reappointments, ministers should always seek to balance the desirability of continuity with the importance of renewal.
21. Where a minister does not wish to reappoint the incumbent or wishes to ‘test the market’, it is good practice for the minister to inform the incumbent of this at least 3 months before the incumbent’s appointment expires.

Selection criteria

22. Subject to any legislative requirements, ministers, supported by their departments, should ensure that selection criteria are in place before any appointment process commences. Selection criteria should address the experience, skills and qualifications, and qualities required of someone filling the public office in question.
23. In the case of board appointees, ministers, supported by their departments, should ensure that there is a board skills matrix in place so that the board collectively has an appropriate mix of relevant experience, skills and qualities.

Selecting an appointment pathway

24. Departments should notify ministers of upcoming vacancies at least 6 months before a vacancy arises. Following engagement with the minister, departments may provide advice on appropriate selection pathways to fill that vacancy. This advice may include, but is not limited to:
 - a. advice on the reappointment of any incumbent
 - b. selection criteria for the position
 - c. proposed appointment pathway, including, where relevant: the composition of an assessment panel, the proposed approach to identifying appropriate candidates and the preparation of an assessment report
 - d. advice on the formal requirements for the appointment – e.g. requirements for consultation, consideration by the Cabinet or consideration by the Governor-General in Council, and
 - e. relevant timeframes.

Identifying candidates

25. Ministers, supported by their departments, are responsible for ensuring appropriate arrangements are in place for identifying suitable candidates for appointment to public office. In addition to publicising specific appointments where an open competitive pathway is used, ministers and departments should consider maintaining standing registers for expressions of interest in appointments in a given portfolio, retaining a register of suitable appointees and monitoring merit pools from other processes that have similar requirements.
26. Regardless of the pathway chosen, a minister may propose suitable candidates for consideration.
27. Further information on identifying candidates can be found in the Guidance prepared by the APSC and the Department of the Prime Minister and Cabinet.

Assessment panels

28. A minister may use an assessment panel to identify suitable candidates and/or assess candidates against the agreed selection criteria. A minister is then able to use the pool of suitable candidates to make the best possible appointment.
29. Ministers are responsible for determining the specific composition of assessment panels, supported by their departments. Ministers may also delegate responsibility for determining panel composition to their departmental secretary. In either case, consideration should be given to diverse representation such as gender or including representatives from outside the public service. Once established, ministers may engage with assessment panels but should not seek to influence the panel's assessment of any candidate.
30. Assessment panels are not limited to considering only individuals who have applied through a publicly advertised process or been identified through departmental registers. For example, a panel may receive suggestions from the minister about possible candidates for consideration, or be requested by the minister to interview a specific candidate. The panel may also draw on its own experience to identify appropriate candidates for consideration.
31. Where an assessment panel is used, the panel should prepare a suitability report. Typically, suitability reports may include:
 - a summary of the process and key outcomes, including a pool of suitably qualified candidates (see paragraph 30)
 - a summary of how a broader cohort of applicants was shortlisted to a smaller group for more detailed consideration
 - a merit-based assessment of interviewed candidates against the selection criteria, and in the case of boards, the skills matrix, and include referee reports for candidates who meet the criteria
 - conflict of interest declarations by panel members
 - certification by all relevant panel members
32. To ensure ministers can consider the largest possible pool of suitably qualified candidates, suitability reports should identify all candidates deemed suitable and qualified for the role, following a merit-based assessment. Suitability reports must

not rank candidates or identify preferred candidates unless specifically requested by the minister.

33. There is no obligation for a minister to make, or recommend, an appointment as a result of a panel assessment process having been run. The minister may ask for another assessment process to be undertaken or make a direct appointment if deemed appropriate.

Meeting candidates for appointment

34. Ministers have discretion to meet with suitable candidates to consider who is best placed for appointment subject to meeting the requirements of the Cabinet Handbook and any other relevant legislation or policies.

Due diligence

35. As part of the appointment process, due diligence steps should be taken as appropriate and proportionate to the particular role. Ministers should be advised by their departments of any significant findings as part of briefings provided on suitable candidates.
36. This may include conducting background, character and reference checks, verifying employment history and qualifications, and ensuring potential conflicts of interest that could arise in the role are declared and can be managed should the person be appointed.

Board composition and tenure

37. Ministers need to balance the need for renewal and continuity on boards. This should factor into decisions on term lengths. While government board appointments should generally be for a standard term of 4 years, with the option to appoint for a second 4-year term as necessary, there may be instances where shorter – or longer – appointment terms are necessary or appropriate.
38. It is recommended that, where possible, no person should serve on more than two Australian Government boards at any one time. Exception is given for specialist or significant and eminently talented people where agreed by the Prime Minister or consistent with the enabling legislation of the board.