



Australian Government

Australian Public Service Commission

Australian Government Appointments Guidance

Operational companion to the Australian Government
Appointments Framework



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Introduction

The [Australian Government Appointments Framework](#) outlines the Government's principles-based 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 and committees.

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.

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.

Consistent with paragraph 10 of the Framework, the Australian Government Appointments Guidance (the Guidance) provides additional information to support ministers and their departments to implement the Framework.

The Guidance should be read in conjunction with the Framework, and the Framework prevails over the Guidance in the event of any conflict or ambiguity.

The Guidance provides additional information to support departments in three areas: planning for an appointment, finding and assessing the right candidates and formal appointment processes.

Departments are expected to build and maintain in-house capability to support ministers to implement the Framework. The level of capability required will depend on the volume and frequency of appointments in the portfolio.

Only a minister may propose that the Prime Minister agree to an exemption from the Framework. It is expected that requests for exemptions will be rare and only in exceptional circumstances.

Questions

The Guidance is maintained by the Australian Public Service Commission (APSC) in partnership with the Department of the Prime Minister and Cabinet (PM&C) and may be updated from time to time.

Departments can seek advice in relation to the Framework and the Guidance from the APSC and PM&C. The APSC develops resources and guidance to support best practice approaches to APS people and performance management, available on the [APSC website](#).

The APSC provides advice to APS entities governed by the *Public Service Act 1999*. Non-APS entities (i.e. those not governed by the *Public Service Act 1999*) can seek advice from their portfolio department.

PM&C also provides advice on the application of the Framework where it interacts with the Cabinet Handbook, the Federal Executive Council Handbook or Guidance on Caretaker Conventions.

Planning for an appointment

1.1 Timeframes for an appointment

Departments should inform ministers of upcoming vacancies at least six months in advance. Allowing a minimum of six months to conduct an appointment process assists in meeting appointment timeframes including appropriate time for consideration by ministers.

Departments should consider the time needed for any additional steps that may be required, such as approval by the Prime Minister, Cabinet, or Governor-General in Council; consultation with states and territories; consideration by a parliamentary committee; or where the appointee must obtain a security clearance.

Departments should also inform Cabinet Division in PM&C about upcoming significant government appointments that may require Cabinet consideration, and support ministers to provide regular updates to the Prime Minister on how these upcoming vacancies in their portfolio will be filled.

1.2 Identifying the appointment pathway

Departments should provide early advice to ministers on appropriate appointment pathways for any vacancy (noting that ministers are ultimately responsible for appointments within their portfolio). See Parts III and IV of the Framework for more information on overarching roles and responsibilities in the appointment process and considerations in relation to appointment pathways.

1.3 Selection criteria

Selection criteria will vary between roles.

For agency head or equivalent leadership positions, ministers may wish to use criteria similar to those listed below, which are designed to demonstrate core skills for organisational leadership. These criteria should be adjusted to suit individual circumstances and combined with position-specific selection criteria to ensure an effective merit-based assessment of candidates.

- Demonstrates high level leadership and vision
 - sets a strategic vision and inspires others to achieve this
 - innovative in dealing with issues
 - articulates a clear direction for their organisation
- Manages large and/or complex operations
 - achieves results within the context of organisational and/or Government policy
 - strong people management skills
 - strong financial management, ensuring efficient, effective and ethical use of resources

- understanding of and commitment to quality organisational governance
- Works with others to meet objectives
 - operates collaboratively with others to meet organisational objectives
 - cultivates productive relationships
 - listens to people and values different perspectives
- High level of judgement
- Demonstrates a high standard of professional and personal integrity and capacity to promote these in an organisation.

1.4 Board skills matrix

The appropriate mix of relevant experience, skills and qualities will vary for each board. For example, a governing board will need a much wider range of skills than a technical board requiring deep subject matter expertise.

In developing a board skills matrix consistent with paragraph 23 of the Framework, ministers may ask their departments to seek assistance from the chair of the board. This may support a sound understanding of the breadth of current membership and any identified gaps in knowledge or expertise.

A board skills matrix may inform various aspects of an appointment process, such as development of selection criteria, consideration of the appropriate appointment pathway, and assessment of candidates. The matrix can also be used to understand the relative diversity of board members and ensure appointments reflect the breadth of the Australian community (consistent with principle three of the Framework).

1.5 Ministerial briefing

Departments should proactively engage with ministers about the minister's preferred approach to briefing in relation to appointments to which the Framework applies.

Following engagement with the minister, initial briefing to ministers regarding an upcoming vacancy should provide advice on appropriate appointment pathways for the vacancy.

When briefing ministers about potential selection pathways, following engagement with the minister, departments may wish to include the following in addition to the matters listed at paragraph 24 of the Framework:

- Information about the public office and incumbent, including:
 - the functions, location, remuneration and relevant travel, leave or other entitlements of the position, including details of any relevant determination by the Remuneration Tribunal
 - the current composition of the board (having regard to the board skills matrix and an appropriate mix of relevant experience, skills and qualities)

- potential selection criteria for the position, noting selection criteria is a matter for ministers to determine, supported by their departments
- information about the effectiveness of the incumbent and the performance of the relevant board or public body
- any particular sensitivities relating to the position.
- Advice on a potential selection pathway to fill the vacancy, including:
 - an indicative timeline for the appointment
 - any anticipated costs of the appointment process, including relative costs of different appointment pathways
 - if requested by the minister, potential composition of any assessment panel
 - the principles of the Framework and any requirements governing the appointment in legislation (e.g. the Act establishing the position) or policies (e.g. the Cabinet Handbook).
- Seek from the minister:
 - approval or review of any proposed position description and selection criteria
 - advice on whether the minister would like to reappoint the incumbent (noting in particular paragraphs 20 and 21 of the Framework)
 - the minister's preferred appointment pathway
 - the composition of any assessment panel, or whether the minister would like to delegate responsibility for determining the composition to the department
 - approval to conduct the next steps of the process (e.g. public advertisement or approaching identified candidates).

Identifying and assessing candidates

2.1 Advertising vacancies

When advertising a vacancy, departments should generally seek to publicise the vacancy as widely as practicable and appropriate to the role. This may involve advertising on mainstream job search portals such as APSJobs, as well as agency websites and, where appropriate, through news media.

To ensure a strong, diverse field of candidates, it may be necessary to incorporate targeted advertising approaches such as engagement with professional bodies, professional journals or local media platforms and outlets. This may include advertising the position via job search portals that are likely to reach candidates who possess skills, capabilities, and experience relevant to the position. For example, culturally-specific job search portals such as Indigenous Employment Australia may be appropriate if the position has a First Nations focus. Additionally, if the position requires place- or community-based knowledge, consideration should be given to advertising the position in local print and online media to help yield the broadest pool of suitable, high-quality candidates.

Departments are responsible for meeting advertising and other costs associated with appointments in their minister's remit. Where an agency supports another agency with appointment processes, it may be appropriate for the supporting agency to seek reimbursement of costs.

2.2 Merit pools and expression of interest registers

Merit pools and expression of interest (EOI) registers can enable vacancies to be filled more quickly and efficiently. To support implementation of the Framework, departments should engage with their minister(s) in relation to:

- maintaining standing EOI registers for appointments in their portfolio
- retaining a register of suitable candidates, including relevant diversity information
- monitoring merit pools from other selection processes, and other departments, that have similar requirements.

In providing advice about the establishment of these resources, departments may consider factors such as the number of current and future vacancies, and whether the skills and experience sought for a given position align with other similar positions in their portfolio.

Subject to any position specific eligibility criteria, a minister may use a merit pool established for a particular office to inform appointments to similar vacancies occurring within a reasonable period after candidates were assessed (such as for multiple vacancies on a single board, or appointments to similar boards or statutory offices). Merit pools may also be used to identify candidates for other roles, subject to specific assessment of the candidate for the other role.

Departmental merit pools and EOI registers should be updated regularly and kept current.

Sharing merit pools or EOI registers between departments for similar positions may be efficient and effective. Prior to sharing a candidate's details with another entity, departments must ensure the candidate has provided permission for this to occur.

When collecting or sharing personal information, departments must meet their responsibilities under the *Privacy Act 1988* and the Australian Privacy Principles, and any other relevant legislative or policy requirements relating to personal information. Departments should seek their own legal advice on these matters as appropriate.

2.3 Assessment panels

Convening assessment panels

In determining whether to convene an assessment panel for a given vacancy, consideration may be given to whether a panel would assist with identifying a high quality and diverse field of suitable candidates, the significance of the appointment, and any relevant sensitivities.

If an assessment panel is to be convened, this should occur as early as practicable in the appointments process to avoid undue delays.

Composition of assessment panels

The level of seniority of assessment panel members, and the number of panel members, should reflect the significance of the vacancy. To avoid delays, it may be appropriate to identify additional persons who could replace any panel member who becomes unavailable before assessments begin.

For an individual vacancy, an assessment panel would typically be comprised of three people, but this may vary where appropriate and proportionate. For a larger recruitment process, it may be appropriate for the panel to comprise a pool of people who can assess different candidates on a rolling basis, to ensure the process is not delayed by any particular panel member's availability.

It is good practice to identify a chairperson who will be responsible for chairing the panel and reaching consensus on the panel's suitability report. Typically, the chairperson should be the person of most senior position among the panel members.

Role of assessment panels

The assessment panel should consider its merit-based assessment processes, which may include written applications, interviews with candidates, and referee reports. Panels are responsible for identifying an unranked pool of suitable candidates to ensure the broadest range of suitable candidates can be considered and enabling 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 the minister considers it appropriate. All members of an assessment panel who participate in the assessment of a candidate are to participate in preparation of the suitability report for that candidate.

Any conflicts of interest held by panel members should be declared and appropriately managed. Departments are reminded:

- to review the [APS Conflict of Interest Management Framework: Better Practice Model](#) prepared by the APSC
- to review [Conflicts of interest and corrupt conduct: A guide for public officials](#), prepared by the National Anti-Corruption Commission
- all APS employees are subject to the APS Code of Conduct, which includes requirements relating to conflicts of interest (see subsection 13(7) of the *Public Service Act 1999*).

Ministers may engage with assessment panels consistent with paragraph 29 of the Framework. For example, the minister may suggest possible candidates for consideration or request the assessment panel interview a specific candidate. The minister may also raise any considerations relating to the appointment process (such as any changes to the strategy of the board or entity, gaps in capabilities, legislative requirements or diversity considerations). Ministers should not seek to influence the panel's assessment of any candidate.

After the assessment panel has prepared a suitability report identifying an unranked pool of suitable candidates, the minister may 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.

APS Commissioner and assessment panels

Where requested by ministers, the APS Commissioner may participate on assessment panels or provide support and advice on appointments processes within the scope of the Commissioner's statutory functions under Part 5 of the *Public Service Act 1999*.

Making appointments

3.1 Due diligence and assurance

Departments should conduct due diligence checks on suitable candidates before they are presented to the minister for consideration. The form, depth, and timing of due diligence is a matter for ministers and departments, and should be appropriate and proportionate to the particular role. This may be informed by:

- any legislative or policy requirements
- the Australian Government Protective Security Policy Framework and national security or secrecy requirements, where relevant
- the relative eminence or sensitivity of the position
- the subject matter dealt with by the position
- the responsibilities of, and powers afforded to, the position
- any matters that come to the attention of the minister or department which merit further examination.

Due diligence checks may include:

- confirming the candidate's employment history (such as via referee checks) and qualifications (such as by obtaining certified copies of any qualifications critical to the position), if this has not already occurred in the assessment process
- internet research (e.g. searching for public comment that could reflect poorly on the public office or board to which the person is to be appointed)
- social media checks
- bankruptcy and insolvency checks
- reviewing the Australian Securities & Investments Commission Banned and Disqualified register
- reviewing the Australian Government Register of Lobbyists and equivalent registers maintained by state and territory governments
- obtaining third party checks such as a National Police Check or vetting by the Australian Government Security Vetting Agency in accordance with the Protective Security Policy Framework
- consideration of the candidate's private interests declaration
- considering if any other positions or memberships held by the candidate would present a conflict of interest with the proposed appointment.

Departments should advise the minister of any significant findings of due diligence. Where a department identifies that a candidate has a conflict of interest in relation to the potential appointment, the department should consider whether and how the conflict could be appropriately managed, and provide advice on the issue to the minister.

Once appointed, appointees also have ongoing obligations to appropriately declare and manage any conflicts of interest. This may include providing regular statements of interest to the minister, depending on the legislative and policy requirements governing the position.

Private interests declaration

A private interests declaration (PID) is required for all appointments submitted for consideration by the Prime Minister or, at the Prime Minister's discretion, the Cabinet (refer to the Cabinet Handbook). Typically, a PID would be sought from a preferred candidate, however the minister could ask the department to seek PIDs from other suitable candidates, where appropriate and proportionate. Departments can also use the PID template (available from Cabinet Division in PM&C) to support due diligence for appointments that are not considered by the Prime Minister or the Cabinet.

3.2 Other considerations

Concurrent board appointments

Departments should identify any other relevant appointments held by the preferred candidate by requesting this information directly from the candidate (e.g. via the candidate's PID) and by reviewing the [Australian Government Organisations Register](#) (see also paragraph 38 of the Framework).

Departments should advise ministers of any implications of the candidate holding multiple appointments, including regarding remuneration under the *Remuneration Tribunal Act 1973*.

It is recommended that, where possible, no person should serve on more than two Australian Governments boards at one time. As set out in paragraph 38 of the Framework, exception is given for specialist, or significant and eminently talented people where agreed by the Prime Minister or consistent with the board's enabling legislation. When ministers write to the Prime Minister to seek agreement to the appointment, ministers should include advice about:

- the particular need for the candidate's skills or expertise in the proposed appointment
- the reason the candidate holds multiple Australian Government board appointments
- the ability of the candidate to appropriately perform the functions of all appointments concurrently
- whether the proposed appointment would present a conflict of interest in relation to the existing appointments.

Appointing government employees

Where a Commonwealth employee is to be appointed to a public office, the employee needs to be mindful of their duties under the *Public Service Act 1999* and any other obligations that may apply such as under the *Corporations Act 2001*.

Departments should be mindful of any interactions between the candidate's existing employment and the proposed appointment, which may have implications for accrued leave entitlements or remuneration where the candidate is already employed by the

Commonwealth, the Administration of a Territory, or a public statutory corporation or incorporated company owned by the Commonwealth.

3.3 Ministerial consideration of suitable candidates

Once candidates' suitability has been assessed and due diligence has been conducted, departments should seek advice from the minister about the minister's preferred candidate.

Departments may wish to consider including the following when seeking advice on the minister's preferred candidate:

- Advice regarding the functions of the public office and the vacancy, including the selection criteria for the position, any board skills matrix, and any identified gaps in experience, skills or qualities.
- Overview of the selection process, including how candidates were identified (e.g. the vacancy was publicly advertised) and assessed (e.g. the process conducted by an assessment panel).
- A copy of the suitability report and relevant information about the skills, knowledge and experience of all candidates identified as suitable.
- Any key considerations such as significant findings of due diligence processes.
- Advice on next steps, including any further approvals required (e.g. by the Prime Minister, the Cabinet, or the Governor-General in Council) and how the preferred candidate (once identified by the minister) may be contacted.

Consultation

Consultation may be required with other ministers or departments or with relevant Commonwealth or state and territory ministers where, for example:

- the responsibilities of the position, board or committee relate to multiple portfolios
- legislation requires consultation before an appointment is made
- the minister is proposing to appoint a candidate on a part-time basis and the candidate will retain a position in another portfolio or jurisdiction
- the appointment is to a Government Business Enterprise board (as the Minister for Finance must be consulted on such appointments).

3.4 Final approval of the preferred candidate

All required documentation must be completed in full and due diligence conducted before departments present appointments to the minister for final approval.

Approval by the minister

Departments must ensure all relevant documentation is provided to the minister and the minister executes all documentation required to make the appointment.

If further approvals are required before the minister can make the appointment, briefing to the minister should make clear which documents should not be signed unless and until the approvals are obtained.

Departments may wish to consider including the following when seeking the minister's final approval of an appointment:

- Information about the public office, including the position fact sheet.
- Information about the proposed appointee, including confirmation they would accept the appointment, significant findings of due diligence, and a copy of any PID.
- Documents required to make and support the appointment, such as any agreement signed by the appointee, instrument of appointment, relevant Remuneration Tribunal determination, and terms of conditions of appointment (e.g. any applicable code of conduct).
- Advice about notifying key stakeholders of the appointment and draft correspondence as appropriate, such as letters to the appointee, board chair, and any incumbent.
- Information about next steps as appropriate, which may include consideration by the Prime Minister, Cabinet or Federal Executive Council; a media statement on the appointment; or registration of documents on the Federal Register of Legislation.

Appointments considered by the Prime Minister or Cabinet

For appointments subject to approval by the Prime Minister or Cabinet, correspondence from the responsible minister to the Prime Minister must be accompanied by an appointment details pro-forma, current membership list (for board and committee appointments), up-to-date CV and completed and signed PID. Templates are available from Cabinet Division in PM&C. The Cabinet Handbook provides further information and requirements.

Draft appointment documentation must be provided to Cabinet Division in PM&C prior to the responsible minister writing to the Prime Minister.

It is important that departments provide timely briefings to ensure sufficient time for consideration by the Prime Minister or Cabinet.

Departments should regularly update Cabinet Division in PM&C of all upcoming significant government appointments in a portfolio that may require Cabinet consideration.

Appointments made by the Governor-General in Council

Where consideration by the Federal Executive Council (ExCo) is required, it occurs following approval of the appointment by the minister, Cabinet or Prime Minister.

The [Federal Executive Council Handbook](#) sets out requirements. Meeting dates and associated deadlines, including requirements for consultation on draft documents, are available from the ExCo secretariat in PM&C.

For appointments made by the Governor-General in Council, departments may wish to consider including in their briefing:

- Information about the processes and strict deadlines that apply to ExCo.

- Draft documents for consideration by ExCo, including advice on where the minister should sign and initial (noting the ExCo secretariat will not accept paperwork that is not signed correctly).

If approval by the Prime Minister or Cabinet is required before consideration by ExCo, departments may need to provide an additional brief to their minister following that approval. This briefing would include the documentation required for consideration by ExCo and approval by the Governor-General in Council, for the minister's approval and signature.

Following ExCo meetings, departments will receive signed ExCo appointment instruments and are responsible for gazettal or notification on the Federal Register of Legislation. Departments are reminded that announcements of items cannot be made prior to ExCo and should contact the ExCo secretariat for information regarding announcements.

3.5 Instruments of appointment

The documentation that effects an appointment, known as the instrument of appointment, will vary depending on the position. For statutory appointments, the instrument of appointment is signed by the appointing authority (e.g. the minister or the Governor-General in Council). For non-statutory appointments, instruments of appointment can include contracts, agreements, deeds of engagements, or correspondence establishing the terms and conditions of appointment.

Departments must ensure instruments of appointment are consistent with any and all legislative requirements, including relevant determinations by the Remuneration Tribunal. Departments are strongly encouraged to consider seeking legal review of draft instruments of appointment.

The [Office of Parliamentary Counsel website](#) provides drafting advice and templates relating to legislative instruments. Departments may also consult the Federal Executive Council secretariat in PM&C regarding instruments of appointment signed by the Governor-General.

3.6 Transparency of appointments

Once an appointment has been made, the minister may consider it appropriate to publicly announce the appointment. Consistent with the transparency principle outlined in principle two of the Framework, media statements may include information about:

- the minister's reasons for selecting the appointee, including the appointee's relevant skills and experience
- the selection process used to identify the appointee.

Departments should also give consideration to how unsuccessful candidates will be notified of the outcome, including how any feedback will be provided to them.