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# POLICY

## 1. Objective

This policy clarifies the requirements for recruiting within the NSW Crime Commission (The Commission) to ensure that equitable recruitment practices are followed.

## 2. Scope/Application

This policy is binding on all Commission officers, including a person engaged by the Commission as a consultant, contractor or a police officer under the *Crime Commission Act 2012*. This policy applies particularly to the roles mentioned in Policy Statement 4.14.

## 3. Definitions

**Comparative assessment** refers to the process of assessing an individual's claim for the role against the established standards for the role and any other applicants.<sup>1</sup>

**Recruitment** refers to process of employing new staff to fill roles at an organisation.

## 4. Policy Statements

The Commission is committed to hiring the most capable and best suited people for its workforce by recruiting in accordance with the *Government Sector Employment Act 2013* (NSW) (GSE Act).

### 4.1 Types of Employment

The three employment types for a non-executive government sector employee at the Commission include:

- **on-going employment** - where employment continues until the employee resigns or has their employment terminated;
- **temporary employment** - where employment is on a fixed term contractual basis or
- **casual employment** - where employment is intermittent, short-term, urgent or when required.

### 4.2 Advertising

#### Advertising for ongoing employment

Employment decisions for ongoing employment must be based on a comparative assessment after external advertising.<sup>2</sup>

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<sup>1</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 17.

<sup>2</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 20.

## Advertising for temporary or term employment

Any person employed in temporary or fixed term employment on the basis of a suitability assessment cannot continue in that employment after 12 months except on the basis of a comparative assessment after advertising across the Public Service.<sup>3</sup>

The employment of a person in temporary or fixed term employment for more than 12 months must be based upon a comparative assessment after advertising across the Public Service.<sup>4</sup>

Neither of these requirements prevent any additional form of advertising from being used for the comparative assessment. Any advertising for the role must include mention of the following requirements:

- **Citizenship requirements**

Australian citizenship is required for a Commonwealth security clearance assessment and a position at the Commission.

- **Security clearances**

All employment at the Commission is conditional upon having the appropriate security clearances. The applicant must first undertake an Organisational Suitability Assessment (Commission Personnel Security Clearance) and have a valid Commonwealth security clearance or undertake the clearance process upon commencing employment with the Commission.

- **Formal qualifications**

Any individual required to have a formal qualification necessary for a specific role must supply evidence of that qualification.

## 4.3 Selection Panel

A selection panel must be formed to conduct candidate interviews, design, arrange and conduct capability based assessments and to assess applications. If a selection panel member personally knows one of the applicants, they must declare that fact to the convener to avoid a conflict of interest.

The selection panel must consist of at least three members and, wherever possible, should include one male and one female member. The panel must include the recruiting manager, who is to be of a higher grade than the role being recruited. Ideally, the panel will include one independent member who works for either a different division, another SNW or Commonwealth agency to role being recruited. At least one member must have substantial knowledge of the role.

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<sup>3</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 21.

<sup>4</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 22.

The recruiting manager must complete the Public Service Commission's Merit Assessment eLearning module and it is recommended that all selection panel members complete the module as well. The module can be found on the Public Service Commission's website ([www.psc.nsw.gov.au](http://www.psc.nsw.gov.au)) under employment portal, recruitment and selection.

#### 4.4 Merit Selection

Any employment decision relating to a role in the Public service must be made on an assessment of the capabilities, experience and knowledge of the person concerned against the standards for the role in order to determine the best suited person.<sup>5</sup> The selection panel is required to act without improper discrimination or partiality.

#### 4.5 Comparative Assessment

A comparative assessment is required for the recruitment to any role that will be **ongoing or temporary for a term exceeding 12 months**.

The comparative assessment process must include:

- screening for essential requirements, such as a qualification or licence
- reviewing an application and resume.

Candidates who progress to interview require:

- at least 3 capability-based assessments, one of which is an interview (see Policy Statement 4.7)
- referee checks in relation to the standards for the role.

#### 4.6 Suitability Assessment

Suitability assessments may be used for the recruitment of any role that will be for a **temporary period of 12 months or less**. If there is a possibility the period of employment will exceed 12 months, a comparative assessment should be undertaken instead.

A suitability assessment is the process of assessing an individual's claims against the pre-established standards for the role.<sup>6</sup> The process must include the following:

- screening for essential requirements such as a qualification or licence
- reviewing a resume.

Candidates who progress to an interview require:

- at least 2 capability-based assessments, one of which is an interview (see Policy Statement 4.7)

#### 4.7 Capability Based Assessments

Capability based assessments assist in identifying an individual's job performance. Such assessments may include (but are not limited to):

- structured behavioural interviews
- cognitive ability or skills testing
- personality and behavioural testing

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<sup>5</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 16.

<sup>6</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 18.

- role play exercises
- presentations
- work sample tests
- psychometric and or personality testing.

Different assessment methods will be used to assess the capabilities required for the role.

## 4.8 Workforce Diversity

The Commission strives to be an inclusive workplace and encourages applications from all ages and genders, Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse groups, the LGBTIAQ+ community, veterans, refugees and people with disabilities.

An eligible person may be employed as a Commission employee providing merit selection principles are followed.<sup>7</sup> An eligible person means any of the following:

- an Aboriginal person or Torres Strait Islander
- a person with a disability
- a person under the age of 25 years
- a person who belongs to a group of persons designated by the Public Service Commissioner as being disadvantaged in employment.

Workforce diversity strategies are to be incorporated into the Commission's workforce planning.

In line with the NSW Premier's Priority to increase the number of women in senior leadership positions by 2025, eligible women are to be shortlisted for senior leadership positions wherever possible.<sup>8</sup>

## 4.9 Flexible Work Arrangements

The Commission promotes flexible work arrangements as part of this Recruitment Policy as a means of creating a more inclusive workplace.

## 4.10 Second Interview

A second interview may be conducted by a panel of senior Commission officers and or senior officers and executives from other NSW or Commonwealth agencies when recruiting for senior positions.

## 4.11 Pre-Employment Conditions

For the preferred applicant to be offered the role, the following pre-employment conditions must be met:

- **Personnel Security Vetting (Organisational Suitability Assessment)**

The applicant must complete pre-employment forms, including personal and financial particulars as part of Personnel Security Vetting whereby a clearance is to be authorised

<sup>7</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 26.

<sup>8</sup> NSW Government, Premiers Priorities, <https://www.nsw.gov.au/premiers-priorities/world-class-public-service>.

upon completion. These are to be vetted in accordance with Commission policies.

- **Verification of previous employment**

The Commission must verify the applicant's claims of previous employment.

- **Verification of education**

The Commission must verify the applicant's claims of prior education. The applicant must supply evidence of any qualifications which the applicant has relied upon in their application.

## 4.12 Probation Periods

A Public Sector non-executive employee commencing work at the Commission must serve a 6 month or longer probation period. The probation period may be extended prior to the end of the initial probation period but cannot exceed 12 months. During the period of probation, the employee is to be given every opportunity to satisfy the requirements of the role in which they have been employed.

A Public Sector senior executive commencing work at the Commission is required to serve a probation period of no more than 3 months.

At any time during probation the Commission may confirm or terminate the person's employment.<sup>9</sup>

## 4.13 Maximum Period of Temporary Employment

The maximum total period that someone may be employed in temporary employment with the Commission is four years within any continuous period of five years.<sup>10</sup> However, a Commission employee may be employed in temporary employment for a further period or periods of up to four years if the employment decision for any further period is based upon a comparative assessment following external advertising.

With the approval of the Public Service Commissioner, the maximum period of temporary employment may be extended for an additional period of up to 12 months.

## 4.14 Responsibilities

The below staff have the following responsibilities in the recruitment process.

### **Commissioner**

The Commissioner is responsible for endorsing a selection panel's recommendations for the appointment of an individual to a role and incorporating workforce diversity into workforce planning. The Commissioner also has a series of delegations under the Industrial Relations Secretary Instruments of Authorisation and Delegation 2020 which can affect the recruitment and retention of staff. A copy of these delegations is found in [C2020-21 Instruments of Authorisation and Delegation 2020](#).

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<sup>9</sup> See GSE Act s 47 for non-exec employees and s 41 for Senior executives.

<sup>10</sup> *Government Sector Employment (General) Rules 2014* (NSW) s 10.

### **Assistant Commissioner**

In accordance with the Commission's Administrative Delegations, the Assistant Commissioner (Legal) may endorse the selection panel's recommendations for the appointment of an individual to a role.

### **Chief Operating Officer**

The Chief Operating Officer directs and oversees the human resources and recruitment functions for the Commission and undertakes specific activities detailed in the recruitment procedures.

### **People & Culture Manager**

The People & Culture Manager is involved at each stage of the recruitment process to provide support and advice to the recruiting manager and selection panel, and to be the primary point of contact for all recruitment-related questions.

The People & Culture Manager organises the pre-employment forms for the preferred candidate to complete as well as arranges a Personnel Security Vetting file to be created for that candidate. When the completed paperwork is returned, the People & Culture Manager organises the vetting file to be submitted to the Intelligence Manager Personnel Security for assessment.

### **Recruiting Manager**

The recruiting Manager will lead the recruitment process and is usually a Senior Executive, Manager or supervisor of the role being recruited. The recruiting Manager is the head of the Selection Panel and is responsible for convening the Panel.

The recruiting Manager must complete the Public Service Commission's Merit Assessment eLearning module. The module can be found on the Public Service Commission's website ([www.psc.nsw.gov.au](http://www.psc.nsw.gov.au)). It is recommended that all selection panel members complete the module as well.

## **5. Related Legislation**

The following legislation and documents apply to this policy:

- *Crime Commission Act 2012* (NSW)
- *Government Sector Employment Act 2013* (NSW)
- *Disability Discrimination Act 1992* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Workplace Gender Equality Act 2012* (Cth)
- *Anti-discrimination Act 1977* (NSW)
- *Industrial Relations Act 1996* (NSW)
- *Work Health and Safety Act 2011* (NSW)
- *Workers Compensation Act 1987* (NSW)
- *NSWCC Flexible Work Arrangements Policy*
- *NSWCC Workforce Diversity Policy*

## Version Control

Version	Effective date	Update comments	Author
1.0	16Mar15	Initial version (16 Oct 2015 updated hyperlinks).	Governance Team
1.1	11Feb19	Updated as per the GSE (General) Rules 2014.	Governance Team
1.2	16Sep19	Updated as per the GSE Rules Amendment 10/2019.	Governance Team
1.3	12Mar21	Updated as per the Industrial Relations Secretary Instruments of Authorisation and Delegation 2020.	Governance Team

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