

Recruiting, Selecting and Appointing Public Sector Staff: Overview

This is an overview of public sector recruitment rules that come into effect on 1 July 2026 through 3 new Commissioner's Instructions:

- [Commissioner's Instruction 48: Recruitment, Selection and Appointment to Permanent Vacancies](#)
- [Commissioner's Instruction 49: Recruitment, Selection and Appointment to Fixed Term Vacancies](#)
- [Commissioner's Instruction 50: Backfilling Temporary Vacancies](#)

Agencies should read, understand and apply these Commissioner's Instructions in conjunction with their applicable legislation, regulations, awards and agreements.

There is guidance for each instruction:

- [Permanent Vacancies: Guidance](#)
- [Fixed Term Vacancies: Guidance](#)
- [Backfilling Temporary Vacancies: Guidance](#)

Purpose of the new Commissioner's Instructions

The 3 new Commissioner's Instructions modernise public sector recruitment to:

- prioritise existing suitable employees and applicants
- make recruitment processes more efficient
- enable flexibility in recruitment processes where circumstances allow
- better meet the expectations of candidates in a modern labour marketplace
- build in processes to enhance permanent appointment, a key government priority
- re-confirm the expectation for integrity in every recruitment process.

Key features of the new rules

1. Prioritise existing suitable employees and applicants

For all permanent and fixed term appointments of more than 12 months, hiring managers are required to consider in this order of priority:

1. suitable surplus employees
2. fixed term and casual employees eligible to be converted to permanency
3. suitable applicants in agency recruitment pools.

If no employees are appointed following consideration of the above, agencies are required to advertise unless a limited search circumstance exists and can be justified.

2. Advertising

Advertising on [WA Government Jobs](#) remains the default recruitment method to bring new talent into the sector. Advertising is required to occur as soon as practicable after a vacancy arises.

When advertising, agencies need to consider the following:

- Multiple vacancies across different classification levels can be advertised at the same time. Advertisements should have sufficient information about the vacancies including the suitability requirements for each level.
- Appointments can only be made at the level(s) and conditions specified in each advertisement.

3. Limited search

Where specific circumstances can be met (related to either the vacancy or the person), hiring managers can undertake one or more of [4 limited search methods](#). Decision trees for [permanent](#) and [fixed term](#) recruitment provide more detail on the limited search circumstances.

It is vital that integrity (merit, equity and probity) is not compromised when limited search is used. Limited search is a valid and effective recruitment option only where the specific circumstance exists and can be justified.

Detailed records of decision making and justification related to limited search need to be kept to maintain transparency and integrity.

4. Redeployment

From 1 July 2026 amended [Commissioner's Instruction 12: Redeployment and Redundancy](#) removes the requirement to obtain redeployment clearance before filling vacancies. However, surplus employees must be prioritised when filling vacancies in line with the Commissioner's Instructions and relevant industrial requirements.

5. Focus on permanency

The new rules build in processes to enhance permanent appointment, a key government priority.

Under [Commissioner's Instruction 49](#), advertisements and limited search for all fixed term vacancies (fixed term appointment), as well as for backfilling temporary vacancies longer than 12 months (fixed term appointment, acting, secondment), must state the "possibility of permanency in the future".

The recruitment may then be used to permanently appoint suitable applicants to the advertised roles and other vacancies in similar roles at the same level for up to 12 months after the recruitment process ends.

Suitable applicants identified through advertising or limited search for permanent vacancies can be considered for appointment to future vacancies at the same level (permanent and fixed term) after the breach period ends.

Possibility of permanency needs to be stated for each limited search method as set out below.

Limited search method	When to state possibility of permanency
Applicant initiated approach	When asking applicants for consent to be considered for the vacancy
Referral	When the hiring manager asks for referrals
Use of a recruitment consultant	By recruitment consultant when contacting people and seeking their consent to be considered for the vacancy
Targeted advertising	In the advertisement

6. Use of recruitment pools

Agencies are expected to:

- only use pools for high volume, generic roles
- appoint suitable applicants from pools to a range of future vacancies
- manage pools proactively to ensure the greatest benefits and highest standard of applicant care are achieved
- ensure all people in a pool have been placed in a role (or otherwise declined roles or removed themselves from the pool) before going back to market.

Note: Agencies may keep records of suitable applicants from any recruitment process (pool or otherwise) and refer them to hiring managers for other vacancies arising in the next 12 months. This is not a recruitment pool.

There is more information on [using pool recruitment](#).

7. Equal opportunity and diversity provisions

Equal opportunity legislation aims to improve equality for people with specified protected attributes in the workplace. Provisions in this legislation allow agencies to:

- nominate protected attributes as a genuine occupational requirement for positions
- take special measures to recruit people with protected attributes including to achieve equality and improve representation in employment.

This means agencies can continue to make appointments to achieve equality and improve representation in [employment for diversity groups](#) in accordance with equal opportunity legislation. Records need to clearly articulate how appointments contribute to achieving the diversity outcomes desired by the agency.

After documenting the rationale for including a genuine occupational requirement or requiring the special measure and the limited search circumstance which applies, limited search may be used to identify applicants. Under Commissioner's Instructions 48 and 49, agencies must conduct an individual assessment of merit for all applicants.

8. Employing previous employees

A person who was previously permanently employed by an agency for at least 12 continuous months in the past 24 months may be employed by any public sector agency at the same or lower classification level. Agencies may use limited search recruitment to source applicants and, under Commissioner's Instructions 48 and 49, must conduct an individual assessment of merit for all applicants.

9. Casual appointments

The Public Sector Recruitment Standard applies to all appointments including casual appointments.

10. Process for government insourcing

Insourcing is when the government decides to bring services delivered by a non-government organisation into the public sector.

Agencies may use limited search recruitment to source applicants for insourcing vacancies, for example by requesting external organisations to refer current staff. Under Commissioner's Instructions 48 and 49, agencies must conduct an individual assessment of merit for all applicants.

11. Appointing suitable applicants from previous recruitment processes

Applicants assessed as suitable through previous recruitment processes can be appointed to the same or similar roles within 12 months from the end of the breach period.

12. Probationary period

Including a probationary period in written offers of employment must be in accordance with the relevant industrial instrument.

13. Closing a recruitment process early when a successful applicant is identified

Agencies may close a recruitment process early by doing the following:

- The advertisement or limited search states that the process may be closed early if a decision to appoint a successful applicant is endorsed and that applications received after this occurs will not be assessed.
- Applicants who apply after the appointment decision is endorsed are advised the process has been closed for that reason and their application will not be assessed. The [breach of standard claim procedures](#) apply.