

Transfer Standard

Commissioner's Instruction 51

Statement of intent

To set minimum standards when transferring employees.

Scope and application

This instruction applies to Public Sector employing authorities as defined in section 3 of the *Public Sector Management Act 1994* (PSM Act) when exercising the power to transfer in accordance with legislative and industrial instruments.

This instruction replaces a part of Commissioner's Instruction 1: Employment Standard and Commissioner's Instruction 2: Filling a Public Sector Vacancy.

This instruction does not apply to transfers as a result of decisions related to redeployment and redundancy, substandard performance, discipline, disposition of employees and offices.

References

This Instruction must be read in conjunction with:

- [Industrial Relations Act 1979](#)
- [Public Sector Management Act 1994](#)
- [Public Sector Management \(Redeployment and Redundancy\) Regulations 2014](#)
- [Public Sector Management \(Breaches of Public Sector Standards\) Regulations 2005](#)
- [Public sector awards and agreements](#)
- [Breach of standard claims](#)
- [Commissioner's Instruction 12: Redeployment and Redundancy](#)
- [Commissioner's Instruction 40: Ethical Foundations](#)

Definitions

Transfer: Permanent movement of an employee from an office, post or position in a public sector body to another office, post or position with the same level of classification in a public sector body.

Interest principle: Decisions about an employee's transfer take account of the employee's interests and employer interests and the work related requirements of the relevant public sector body

Public Sector Transfer Standard

When transferring employees who are suitable, we comply with the minimum standards of merit, equity and probity and do not transfer employees on the basis of nepotism or bias.

Merit: A suitable person is appointed

We:

- set suitability requirements of the position
- assess the employee against the suitability requirements.

Equity: Employees are treated fairly and in accordance to their circumstances

We:

- consider the interests of a public sector body and the employee in a transfer decision.

Probity: Processes and decisions are robust and deliver transparent outcomes.

We:

- establish and apply public sector body procedures for transferring employees
- keep records of decisions in line with the [State Records Act 2000](#) and ensure they are capable of review
- make decisions that are free from bias; and identify, declare and manage any conflicts of interest
- consider information relevant to the vacancy when making decisions.