Appendix A: Breach of Standard Claims Procedures: Recruitment, Selection and Appointment, and Transfer

Type of vacancy and appointment	Notifiable employment decision?	Who may make a breach of standard claim?	Is appointment or transfer stayed by claim?	Which standard applies?
Permanent vacancies (positions with no substantive occupant)				
Substantive permanent appointment	Yes	Unsuccessful applicants	Yes	Recruitment Standard
Temporary fill of a permanent vacancy	No	N/A – No breach rights for acting in vacancy	N/A	
Secondment to permanent vacancy	Yes, if over 12 months, or up to 12 months with possibility of extension over 12 months or permanency (minimum period)	Unsuccessful applicants if term of appointment meets minimum period	Yes	
Fixed term contract to permanent vacancy	Yes, if over 12 months, or up to 12 months with possibility of extension over 12 months or permanency (minimum period)	Unsuccessful applicants if term of appointment meets minimum period	Yes	
Fixed term vacancies (time limited positions with no substantive occupant)				
Fixed term appointment	Yes, if meets minimum period. Most fixed term vacancies meet minimum period as Commissioner's Instructions 49 require most to state possibility of permanency (except specialist and SES positions)	Unsuccessful applicants if term of appointment meets minimum period	Yes	Recruitment Standard
Acting in fixed term vacancy	No, outside of definition	N/A – No breach rights for acting in vacancy	N/A	
Secondment in fixed term vacancy	Yes, if meets minimum period	Unsuccessful applicants if term of appointment meets minimum period	Yes	
Fixed term contract in fixed term vacancy	Yes, if meets minimum period	Unsuccessful applicants if term of appointment meets minimum period	Yes	
Recruitment pools				
Decisions to include applicant in recruitment pool	Yes	Unsuccessful applicants	Yes – at least one vacancy of the type the claim relates to must be held open until the claim is finalised	Recruitment Standard
Backfilling temporary vacancies (only positions with a substantive occupant)				
Acting in temporary vacancy: temporary movement from one position to another with same/higher classification level in same agency	Yes, if filled through advertising or Limited Search which stated the possibility of permanency. Note: Commissioner's Instruction 50 requires all backfills over 12 months to state possibility of permanency	Unsuccessful applicants if term of appointment advertised with possibility of permanency	Yes	Recruitment Standard
Secondment in temporary vacancy	No – outside of definition	N/A – No breach rights for secondment in temporary vacancy (only for acting)	No – no breach rights	
Fixed term contract in temporary vacancy	Yes, if filled through advertising or Limited Search which stated the possibility of permanency.	Unsuccessful applicants if term of appointment advertised with possibility of permanency	Yes	
Transfer				
Unsuccessful application for transfer at same classification level in response to a process of transfer (does not include recruitment, selection and appointment processes using advertising or limited search, which are subject to the Recruitment Standard)	No – outside of definition	Unsuccessful applicants in response to process of transfer (invitation to apply for transfer to positions at same classification level)	Yes	Transfer Standard
Being transferred at same classification level	No – outside of definition	Employees being transferred	Yes	