

# Staff Mobility Guideline

## Introduction / Purpose

1. Mobility refers to moving an existing employee to a vacant office at level within or between directorates or public sector entities without a prescribed selection process.
2. Mobility is an existing feature of the ACTPS employment framework. This guideline provides advice on how to achieve mobility in a manner which complies with the existing legislation and ACTPS employment policies.
3. Mobility must not be used as a substitute for effective performance management. Refer to the Underperformance Policy and Procedure in such instances.

## Application

4. This guideline applies to directorates, public sector entities and statutory office-holders who employ individuals under the Public Sector Management Act 1994 (PSM Act).
5. For the purposes of this guideline, employees are defined as including permanent officers, temporary employees, casual employees, and a public sector employer's staff member who is employed on a permanent or temporary basis, whether full-time or part-time.

## Key Legislative Provisions

6. The PSM Act provides the Head of Service the power to move an employee to a vacant office within or between<sup>1</sup> administrative units, and to move a member of the Senior Executive Service (SES) by amending their statutory employment terms (SETs).<sup>2</sup>
7. The Fair Work Act 2009 (FW Act)<sup>3</sup> and ACTPS enterprise agreements<sup>4</sup> require agencies to consult with employees and unions affected by significant workplace change.
8. The Head of Service has delegated powers to Directors-General to move employees within an administrative unit and to the Deputy Director-General, OIRWS (DDG OIRWS), to move employees between administrative units.
9. The Head of Service has delegated the powers to change an SES member's SETs to the DDG OIRWS. This power has not been delegated in relation to change of SETs for Directors-General.

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<sup>1</sup> Public Sector Management Act 1994. Part 5 – Division 5.7 – Sections 108 - 109.

<sup>2</sup> Public Sector Management Act 1994. Part 4 – Section 35.

<sup>3</sup> Fair Work Act 2009. Volume 1 – Part 2 3 – Division 5 – Section 205.

<sup>4</sup> For example, ACTPS Administrative and Related Classifications Enterprise Agreement 2023 – 2026, Section F.

# Mobilising employees at level

## Movement of employees

10. An employee may be moved to a vacant office at level within or between directorates or public sector entities if the decision-maker is satisfied on reasonable grounds the move is in the interest of the efficient administration of the agency or the service. Reasonable grounds may include, but are not limited to instances where:
  - a. an assessment determines the employee's work program does not align with critical business or Government priorities, the work can be stopped, and the employee can be moved to fulfill similar roles in other parts of the agency or the service;
  - b. the employee possesses knowledge, skills or experience required to support temporary work in other parts of the agency or the service while their current work program can be paused; or
  - c. urgent or unforeseen circumstances require the redeployment of the employee for operational need(s) on a temporary or ongoing basis.
11. Movement of employees between agencies must be facilitated via the Office of the DDG OIRWS as follows:
  - a. where two or more agencies have determined the movements of employees between them – via a brief outlining the proposed movements and confirming that all required actions (e.g., consultation with the employee(s)) have occurred; or
  - b. where employees could be moved but no alternative roles have been identified within or between agencies – via the Human Resources Executive Leadership Committee (email to [DDGOIRWS@act.gov.au](mailto:DDGOIRWS@act.gov.au) with the subject "Mobility").
12. Where an employee may be moved between agencies, the DDG OIRWS must consider the views of both the employee and the releasing and gaining Directors-General prior to making a decision.
13. Refer to the checklist at [Attachment A](#) for further guidance.

## Consultation with employees

14. Employees must be consulted on the proposed move prior to a decision being made so that their views may be considered as part of the decision-making process. Where an employee is being moved between agencies, this responsibility falls to the releasing Director-General.
15. Consultation with employees must include the reasons for the proposed move, information about the new role (i.e., the work area/program, supervisor, responsibilities and position description), and allow adequate time for the employee to consider the proposed changes and seek further information or advice.
16. If more than one employee is proposed to be moved, OIRWS recommends consulting with the relevant union(s).

17. Refer to the draft Employee and Union Consultation Guide for further guidance on effective consultation methods. A copy can be requested from [secure.employment@act.gov.au](mailto:secure.employment@act.gov.au).

## Notice of decision

18. Employees must be notified in writing of the outcome of the proposed move. If the decision is to move an employee, the written notice must:
- indicate if the move will be for a fixed period or on a permanent basis – if the former, it must also provide the period of the move;
  - state the date the move begins;
  - confirm the details of the employee's new work arrangements, including the directorate, position, supervisor and position description; and
  - explain that the decision is non-appellable and non-reviewable.<sup>5</sup>
19. Where an employee is being moved between agencies, the notice of decision will be issued by the releasing agency.

## Mobilising members of the Senior Executive Service

20. A SES member can be mobilised at level within or between administrative units through a change of their SETs if they request the move in writing, and/or the engager is satisfied a move is reasonable and required for the efficient and effective management of the service.
21. Where a move is being initiated by the engager, the SES member may be consulted as per the steps outlined in paragraphs 13 – 16 above. However, consultation is only required if the move will result in a reduction in remuneration or a change in the hours worked or the period worked.<sup>6</sup>
22. Refer to the checklist at [Attachment B](#) for further guidance.

## Mobility from outside the ACTPS

23. Individuals who are employed under legislation other than the PSM Act can be mobilised into the ACTPS via the [Secondment Policy](#).

## Further information

24. For further information on the application of this guideline, please contact Workforce Strategy and Recruitment at [secure.employment@act.gov.au](mailto:secure.employment@act.gov.au).

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<sup>5</sup> Public Sector Management Act 1994. Part 5 – Division 5.7 – Sections 108(4) & 109(5).

<sup>6</sup> Public Sector Management Standards 2016. Part 5 – Division 5.7 – Section 69.

## Attachment A – Non-SES Employee Mobility Checklist

Stage	Activity	Complete
Identify	Assessment of existing agency work programs completed.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Work programs that could be stopped or paused have been identified.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	The assessment, outcome(s) and rationale for stopping or pausing work programs have been documented.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Employee(s) impacted by the stopping or pausing of work programs have been identified.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Determine	Vacant offices at level with the impacted employee(s) exist within the agency.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Vacant offices at level with the impacted employee(s) exist within another agency.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	If no vacant offices at level within the agency or another agency exist, assessment escalated to the Human Resources Executive Leadership Committee via email to <a href="mailto:DDGOIRWS@act.gov.au">DDGOIRWS@act.gov.au</a> with the subject "Non-SES Mobility."	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Employee(s) consulted on mobility option(s) and provided with written information for their consideration.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Employee feedback on the proposed movement received and considered as part of the decision-making process.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Decision brief to move the employee(s) prepared for the: <ul style="list-style-type: none"> <li>• Director-General for movement within the agency; or</li> <li>• DDG OIRWS for moves between agencies.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Signed brief received from the Director-General or DDG OIRWS.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Action

Written notice of decision issued to the employee.

Yes  No

Where an employee is being moved, OneService Recruitment notified and provided with the:

Yes  No

- employee's current position number
- employee's new position number
- employee's current and new agency (where applicable)
- commencement date;
- duration (where applicable);
- approver of the movement; and
- date the move was approved.

## Attachment B – SES Employee Mobility Checklist

Stage	Activity	Complete
Identify	A SES member has made a written request to be moved at level within the agency or to another agency <u>or</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>The Director-General has formed the view that mobilising the SES member is “required for the efficient and effective management of the service.”</p> <p>Relevant considerations include:</p> <ul style="list-style-type: none"> <li>are existing work programs ceasing or being reduced that would result in SES mobilisation?</li> <li>are new work programs commencing that require SES mobilisation?</li> <li>are there other reasons that have resulted in your view that the movement of the SES member is required for the efficient and effective management of the service? <i>Consider making a file note to support this view.</i></li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> N/A
Determine	Vacant offices at level with the SES member(s) exist within the agency.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Vacant offices at level with the SES member(s) exist within another agency.	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> N/A
	<p>If no vacant offices at level within the agency or another agency exist, assessment escalated to the DDG OIRWS via email to <a href="mailto:DDGOIRWS@act.gov.au">DDGOIRWS@act.gov.au</a> with the subject “SES Mobility.”</p> <p>Action under s38 of the PSM Act might be appropriate.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> N/A
	<p>The proposed move of the SES member(s) will result in a reduction of their remuneration, a change in their hours of work or a change in the period they are engaged to work.</p> <p><i>If yes to any of these items, consultation with the SES member is required. Please see the item immediately below.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	SES member(s) consulted on mobility option(s) [consultation required if there are proposals that will reduce their remuneration or result in a change in working hours or in the period of engagement] and provided with written information for their consideration during consultation.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	SES member feedback on the proposed movement received and considered as part of the decision-making process.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Executive Action Request (EAR) proposing to move the SES member submitted to the DDG OIRWS.	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Executive Action Request signed by the DDG OIRWS.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Action</b>	Written notice of decision issued to the SES member by way of letter of offer and change to statutory employment terms.	<input type="checkbox"/> Yes <input type="checkbox"/> No