



Australian Capital Territory

PUBLIC SECTOR MANAGEMENT ACT 1994

Public Sector Management Amendment Standards 2002 (No 3)

Disallowable Instrument No DI2002-152

Under section 251 of the *Public Sector Management Act 1994* (the Act), I APPROVE the making of the Management Standard made by Instrument 1/1994 as subsequently amended, as set out in Schedule A to this Instrument.

Dated this 30th day of July 2002

Jon Stanhope MLA
CHIEF MINISTER

Under section 251 of the *Public Sector Management Act 1994*, I

1. MAKE those parts of the relevant Management Standard as specified in Schedule A to this Instrument.

Dated this 30th day of July 2002

Richard Grant Moss
Commissioner for Public Administration

SCHEDULE A TO DISALLOWABLE INSTRUMENT No DI2002-152

COLUMN 1			COLUMN 2		COLUMN 3
PART			INSTRUMENT		AMENDMENT DESCRIPTION
Part	Page	Part/Rule Description	Number	Date	
Standard 7	12	Part 5- Joint Council	1/1994	1/7/94	Make new Part 5 in Standard 7 to establish the Joint Council.

STANDARD 7 – MISCELLANEOUS

PART 5 – JOINT COUNCIL

Interpretation

In this Part, unless the contrary intention appears:

'consultation' means providing, wherever possible, relevant information about the matters outlined in this Part so they are able to meaningfully participate in discussions and, for this to be effective, the participation must be contributing to the decision making process.

'Joint Council' means the ACT Public Service consultative forum referred to in section 44 of the Act.

'Management Council' means the forum constituted of portfolio Chief Executives and the Commissioner to coordinate cross-portfolio strategic planning and policy development.

'organisation registered under the Workplace Relations Act 1996' has the same meaning as *relevant staff organisation* under the Act.

'officer' includes employee.

'Members' include those appointed under section 1(a)(ii) or 1(a)(iii) of this Part to the Joint Council but excludes the Commissioner.

1. ACT Public Service Joint Council

- (a) The Joint Council shall be constituted by:
- (i) the Commissioner, who is the chair of the Joint Council;
 - (ii) seven (7) persons appointed by the Commissioner; and
 - (iii) seven (7) persons appointed by the Commissioner from persons nominated by the Australian Capital Territory Trades and Labour Council.
- (b) A person shall not be nominated under section 1(a)(iii) unless the person is a member of an organisation registered under the *Workplace Relations Act 1996* (Cth) and having coverage over employees in accordance with the organisation rules having members employed by the ACT Public Service.
- (c) Where a person who is appointed under section 1(a)(ii) or 1(a)(iii) is unable to attend a meeting of the Joint Council due to illness or other cause then, in respect of a person appointed under-
- section 1(a)(ii), the person; or
 - section (1)(a)(iii), the Australian Capital Territory Trades and Labour Council,

may nominate a deputy to attend the meeting in place of that person, and the deputy may, at the meeting, act in place of that person.

A nomination under this section shall be in writing and shall be forwarded to the

Commissioner as soon as practicable after the nominee is selected.

2. Functions of Joint Consultative Council

The Joint Council will consider matters of strategic interest in relation to the management of the ACT Public Service as referred to it by the Commissioner.

The Chief Minister, a relevant staff organisation who fulfils the requirements of 1(b), or an officer, may submit to the Commissioner any matter considered to be of strategic interest in relation to the management of the ACT Public Service. This may include reports, recommendations or other supporting documentation in relation to the matter.

The Commissioner, in consultation with the Deputy Chair, may refer the matter to the Joint Council for consideration.

Recommendations from the Joint Council will be provided to the Minister for Industrial Relations and copied to the Management Council. The Minister for Industrial Relations may refer the matter to Management Council. This will include any reports, written submissions or other supporting documentation in relation to the recommendation.

3. Operation

The Commissioner shall chair the meetings of the Joint Council. The Chair shall determine the procedures of the Joint Council in consultation with Members.

The Deputy Chair shall be a Member nominated by the ACT Trades and Labour Council from the Members nominated under section 1(a)(iii). In the absence of the Commissioner, the Deputy Chair will chair the meetings of the Joint Council.

The Joint Council shall meet at such times and places as the Commissioner directs, in consultation with the Deputy Chair, having regard to the nature and volume of business to be considered by the Joint Council. The Joint Council shall meet at least once every six months. In certain circumstances, the Commissioner and Deputy Chair may agree to defer the six monthly meeting.

At a meeting of the Joint Council, nine (9) members –

- (a) one (1) of who shall be the Chair or Deputy Chair;
- (b) four (4) of whom shall be persons appointed under section 1(a)(ii); and
- (c) four (4) of whom shall be persons appointed under section 1(a)(iii),

shall constitute a quorum.

The Chair will not vote on any matter before the Joint Council.

4. Term of appointment of Members

A Member is appointed for a term of not longer than two (2) years. Members are eligible for re-appointment.

The instrument appointing, or evidencing the appointment of, a Member must state the term for which the member is appointed.

5. Termination of appointment

The Commissioner on advice of the Joint Council may end the appointment of a Member for misbehaviour or physical or mental incapacity.

Where a Member who is not a member of the Australian Capital Territory Trades and Labour Council:

- (a) ceases to be employed by the ACT Public Service; or
- (b) remains employed by the ACT Public Service but is no longer employed in the position that he or she held when appointed.

the appointment shall lapse.

Where a Member who is a member of the Australian Capital Territory Trades and Labour Council:

- (a) ceases to be a member of the Australian Capital Territory Trades and Labour Council; or
- (b) remains a member of Australian Capital Territory Trades and Labour Council but is no longer affiliated in a capacity that would be representative of the relevant staff organisation.

the appointment shall lapse.

The Commissioner, in consultation with the Deputy Chair, may allow a Member to continue to perform their duties under this Part for a specified period of time where the Member:

- (a) is still employed in the Public Service but not in the position that he or she held when appointed; or
- (b) a member of the Australian Capital Territory Trades and Labour Council but no longer representative of the relevant staff organisation.

6. Committees

The Joint Council may establish committees to consider the needs of particular occupational groups in the ACT Public Service.

7. Consultation

Before any recommendation from the Joint Council is submitted to the Minister for Industrial Relations for possible Government or management action, an opportunity shall be provided for officers in the ACT Public Service, or, at the officers' request, their representative, provided they fulfil the requirements of 1(b), to express their views.