

Australian Capital Territory

Public Sector Management Amendment Standard 2005 (No 4)*

Disallowable instrument DI2005—49

made under the

Public Sector Management Act 1994, s 251 (Management Standards)

I amend the Management Standards as set out in Schedule 1 and Schedule 2.

Cheryl Anne Vardon
Commissioner for Public Administration

22 / 3 /2005

Approved under the *Public Sector Management Act 1994, s 251 (Management Standards)*

Jon Stanhope
Chief Minister

3 / 4 /2005

*Name amended under Legislation Act, s 60

SCHEDULE 1 TO DISALLOWABLE INSTRUMENT DI2005-49

PROVISION OF MANAGEMENT STANDARDS		
Part	Part/Rule Description	AMENDMENT
Standard 2	Part 2, Rule 1: Interpretation	Omit Standard 2, Part 2, Rule 1. Substitute Standard 2, Part 2, Rule 1 as set out in Schedule 2.
Standard 2	Part 2, Rule 2: Conditions of entry and advancement	Omit Standard 2, Part 2, Rule 2. Substitute Standard 2, Part 2, Rule 2 as set out in Schedule 2.
Standard 2	Part 2, Rule 3: Advertising	Omit Standard 2, Part 2, Rule 3. Substitute Standard 2, Part 2, Rule 3 as set out in Schedule 2.
Standard 2	Part 3, Rule 2: Merit in selection	Omit Standard 2, Part 3, Rule 2. Substitute Standard 2, Part 3, Rule 2 as set out in Schedule 2.
Standard 2	Part 4, Rule 3: Competitive Selection Process	Omit Standard 2, Part 4, Rule 3. Substitute Standard 2, Part 4, Rule 3 as set out in Schedule 2.
Standard 2	Part 9, Rule 1: Application	Omit Standard 2, Part 9, Rule 1. Substitute Standard 2, Part 9, Rule 1 as set out in Schedule 2.
Standard 2	Part 10, Rule 10: Intellectual Disability Access Program (IDAP)	Omit Standard 2, Part 10, Rule 10 as set out in Schedule 2.
Standard 2	Part 10, Rule 12.3: Administrative Service Officer Class 1	Omit Standard 2, Part 10, Rule 12.3 as set out in Schedule 2.
Standard 2	Part 11: Equal Opportunity Programs	Insert Standard 2, Part 11 as set out in Schedule 2.
Standard 4	Part 1, Rule 3: Advertising vacancies	Omit Standard 4, Part 1, Rule 3. Substitute Standard 4, Part 1, Rule 3 as set out in Schedule 2.

SCHEDULE 2 TO DISALLOWABLE INSTRUMENT DI2005-49

Standard 2, Part 2, Rule 1

1. Interpretation

In this Part, unless the contrary intention appears:

'the Gazette' means the *Australian Capital Territory Gazette*

'press advertising' means advertising a vacancy in a newspaper or other published media in a way that meets the requirements of section 65 of the Act

Standard 2, Part 2, Rule 2

2. Conditions of entry and advancement

The relevant Chief Executive is responsible for the recruitment and selection of officers for all classifications.

The following programs are declared in this Part to be approved programs under subsection 65(3) of the Act:

- the Aboriginal Cadetship program
- the Aboriginal Technical Traineeship program
- the Graduate Administrative Assistant (Indigenous Employment) program
- the ASO (Aboriginal Services) Class 1 program
- Equal Employment Opportunity Programs under Standard 2 Part 11.

Each of the following schemes is a prescribed scheme for the purpose of section 109 of the Act:

- Equal Employment Opportunity Programs under Standard 2 Part 11
- New Apprenticeships
- Sports Enhancement Program.

Standard 2, Part 2, Rule 3

3. Advertising

A permanent vacancy must be advertised in the Gazette except where the vacancy is to be filled by:

- transfer
- promotion of an applicant selected on merit to a recurring or identical vacancy
- promotion by advancement from a training office

- appointment of an applicant who has been previously assessed as suitable for the advertised duties, and is the next recommended applicant on the order merit, within a reasonable period of the advertisement of the duties;
- appointment, transfer or promotion of an applicant under an Equal Employment Opportunity Program under Standard 2 Part 11.

Note: An Equal Employment Opportunity Program position is notified or advertised but the communication methods may differ from Gazette advertising. See Standard 2 Part 11.

If mandatory qualifications are set in the Standards as Eligibility Requirements for appointment, promotion or transfer to particular classifications, the advertisement must include this advice. Only applicants with those qualifications are eligible to apply.

Standard 2, Part 3, Rule 2

2. Merit in selection

To ensure that a selection is based on merit as set out in section 65 of the Act a competitive selection process should be used to assess the merit of applicants for promotion, appointment, fixed term engagement, temporary transfers to a higher office for more than three months and temporary engagement for a term over twelve months.

Temporary engagement for a term under twelve months must be based on merit but does not involve all elements of the competitive selection process set out in Part 4 of this Standard.

Recruitment and selection arrangements may be modified in accordance with the Equal Opportunity Program set out in Standard 2 Part 11.

Note: Recruitment and selection arrangements may also be modified in accordance with the principle of reasonable adjustment under anti-discrimination laws.

Standard 2, Part 4, Rule 3

3. Competitive Selection process

A *‘competitive selection process’* involves:

- advertising;
- written applications addressing all parts of the selection criteria;
- shortlisting of applications – this may involve using referee comments to assist in shortlisting;
- assessment process using applications and any other formal assessment method such as interviews; psychometric testing; practical skills testing, referee comments and so forth;
- written selection report to Delegate; and
- delegate approval of process and merit based decision.

A competitive selection process may be modified where filling a position under an Equal Opportunity Employment Program in Standard 2 Part 11.

Standard 2, Part 9, Rule 1

1. Application

This Part applies to the engagement of a temporary employee. This Part does not apply to the engagement of Chief Executives, Executives or persons appointed, engaged, transferred or promoted under an Equal Employment Opportunity Program under Standard 2 Part 11.

Note: Elements of the Equal Employment Opportunity Program are detailed at Standard 2 Part 11.

Standard 2, Part 10, Rule 10

10. Revoked

Standard 2, Part 10, Rule 12.3

12.3 Revoked

Standard 2, Part 11

Part 11. Equal Employment Opportunity Programs**1. Introduction**

This Part provides for equal opportunity programs designed to ensure that appropriate action is taken to eliminate discrimination against designated groups in relation to employment matters in the ACTPS and that measures are taken to enable people in designated groups to compete for promotion and transfer in the ACTPS and pursue careers in the ACTPS as effectively as other persons.

The Disability Employment Program in Division 11.1 of this Part:

- (a) is an equal employment program authorised under section 40 of the Act for people of a designated group as defined in section 39 of the Act;
- (b) is an approved program under section 65(3) of the Act to encourage the appointment to, or employment in the ACTPS, or the promotion or transfer within the ACTPS, of people with disabilities;
- (c) is a prescribed scheme under section 109 of the Act to enable persons with disabilities to gain ability for the purposes of participating in the Australian workforce.

Note: Other equal employment programs are expected to be developed.

Division 11.1 Disability Employment Program

1. Interpretation

For the purposes of this Division, unless the contrary intention appears:

'Employment Service' means a Commonwealth funded organisation established for the purpose of facilitating the provision of, coordination and/or access to employment for people with a disability.

'Executive' includes a Chief Executive

'person with a disability' means a person with an employment restriction because of a disability. An employment restriction means that a person:

- (a) is restricted in the type of work that he or she can perform because of a disability; or
- (b) needs or would need modified hours of work (either a restriction in hours that can or could be worked, or different time schedules or flexible hours of attendance) because of a disability; or
- (c) requires or would require an employer to provide adaptive equipment, a modified work environment or to make other specific work related arrangements because of a disability; or
- (d) would require additional support to access employment or career development opportunities because of a disability.

Note: Access to elements of the Program as set out in Rule 4(a) and (b) has additional eligibility requirements which are set out in Rule 3.

'program' means the Disability Employment Program

2. Purpose

The Disability Employment Program supports the employment of people with disabilities in the ACTPS.

The Program provides opportunities for people with disabilities to access permanent employment at various levels in the ACTPS, temporary contract engagement as an Executive or temporary employment opportunities that provide valuable training opportunities and may lead on to opportunities for permanent employment either within the ACTPS or elsewhere. The Program is consistent with the objectives of section 17(c) of the *Human Rights Act 2004*, section 27 of the *Discrimination Act 1991* (ACT) and section 45 of the *Disability Discrimination Act 1992* (Cwlth).

3. Eligibility

To be eligible to participate in elements set out in Rule 4(a)(b) of the Program, a person must:

- (a) satisfy the requirements of section 68 of the Act for appointment, transfer, promotion or engagement to any position in the ACTPS; and
- (b) be registered with an Employment Service as a person with a disability; and
- (c) be provided as an applicant by an Employment Service for an identified vacancy or temporary employment position under the Program.

4. Elements of the Program

A Chief Executive may take any or all of the following measures:

- (a) identify vacancies for permanent or temporary employment of a person under this Program. The identified vacancy is to be filled from the pool of applicants provided by an Employment Service;
- (b) for temporary employment less than 12 months, engage a person from a temporary employment register provided by an Employment Service;
- (c) without limiting the powers of a Chief Executive, provide permanent or temporary employment by appointing, engaging, transferring or promoting a person with a disability under this Program; and
- (d) redesign positions or workplace arrangements to remove barriers to the employment of people with disabilities.

5. Other employment arrangements

In accordance with the principle of reasonable adjustment, an agency must also consider a person's disability and make reasonable adjustments in employment arrangements to accommodate the person. This applies to this Program and other positions in the ACTPS under ACT and Commonwealth anti-discrimination laws.

This may include, but not be limited to, any of the following adjustments:

- (a) changes to recruitment and selection arrangements;
- (b) changes to methods used for testing, assessing or selecting;
- (c) changes to the workplace or work related premises, equipment, or facilities, including providing additional facilities;
- (d) changes to work-related communications or the provision of information;
- (e) changes to job design;
- (f) changes to work arrangements including hours of work and use of leave entitlements;
- (g) changes to work related rules or other matters necessary to enable a person to comply with rules;
- (h) changes to training, transfers, acting, trial or higher duties positions, traineeships, or other forms of opportunity to demonstrate or develop capacity in a position;
- (i) providing interpreters, readers, attendants or other work related assistance;
- (j) facilitating use of equipment or assistance;
- (k) providing training to co-workers and supervisors.

Standard 4, Part 1, Rule 3

3. Advertising vacancies

Under subsection 83(2) of the Act, a Chief Executive must advertise in the Gazette all vacancies that are to be filled using the normal power to promote except in prescribed circumstances as follows:

- where an office had been advertised in the Gazette, the relevant Chief Executive had filled the position and the person did not take up duty; or
- where an office was advertised in the Gazette within the previous six months (promotion to which would be appellable), the office is filled but again becomes vacant and the classification and duties of that office are the same as those specified in the Gazette notification; or
- where an office was advertised in the Gazette within the previous six months (promotion to which would be appellable), and another office becomes vacant with classification and duties the same as those specified in the Gazette notification; or
- where the vacancy is for a Research Officer position or Administration Service Officer position (Grade 3, 4, 5 or 6) and the relevant Chief Executive proposes to fill the vacancy with an officer who is:
 - ⇒ a Graduate Administrative Assistant, and
 - ⇒ has successfully completed a Graduate Administrative Assistant program;or
- where the vacancy is to be filled under the Equal Employment Opportunity Program as set out under Standard 2 Part 11.