

Australian Capital Territory

Public Sector Management Amendment Standard 2005 (No 5)*

Disallowable instrument DI2005—71

made under the

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

- (1) I amend the management standards as set out in Schedule 1 and Schedule 2 in accordance with the Chief Minister's approval of 29 March 2005.

Cheryl Anne Vardon
Commissioner for Public Administration

17/5/2005

*Name amended under Legislation Act, s 60

SCHEDULE 1 TO DISALLOWABLE INSTRUMENT DI2005-71

PROVISION OF MANAGEMENT STANDARDS		
Part	Part/Rule Description	AMENDMENT
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 11, Rule 1: Introduction	Omit Standard 2, Part 11, Rule 1. Substitute Standard 2, Part 11, Rule 1 as set out in Schedule 2.
Standard 2	Part 11, Division 11.1, Rule 1: Interpretation	Omit Standard 2, Part 11, Division 11.1, Rule 1. Substitute Standard 2, Part 11, Division 11.1, Rule 1 as set out in Schedule 2.
Standard 2	Part 11, Division 11.1, Rule 3: Eligibility	Omit Standard 2, Part 11, Division 11.1, Rule 3. Substitute Standard 2, Part 11, Division 11.1, Rule 3 as set out in Schedule 2.
Standard 2	Part 11, Division 11.1, Rule 4: Elements of the Program	Omit Standard 2, Part 11, Division 11.1, Rule 4. Substitute Standard 2, Part 11, Division 11.1, Rule 4 as set out in Schedule 2.

SCHEDULE 2 TO DISALLOWABLE INSTRUMENT DI2005-71

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 Employment 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 Employment Opportunity Program in Standard 2 Part 11.

Standard 2, Part 11, Rule 1

1. Introduction

This Part provides for equal employment 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 opportunity 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 opportunity programs are expected to be developed.

Standard 2, Part 11, Division 11.1, Rule 1

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 4(b) has additional eligibility requirements which are set out in Rule 3.

'program' means the Disability Employment Program

Standard 2, Part 11, Division 11.1, Rule 3

3. Eligibility

To be eligible to participate in elements set out in Rule 4(a) and 4(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.

Standard 2, Part 11, Division 11.1, Rule 4

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 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.