

Australian Capital Territory

# Public Sector Management Amendment Standards 2008 (No 6)

Disallowable instrument DI2008–289

made under the

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

## EXPLANATORY STATEMENT

---

The *Public Sector Management Act 1994* (the Act) regulates the management of the public sector. Section 251 of the Act empowers the Commissioner for Public Administration, with the written approval of the Chief Minister, to make Public Sector Management Standards (the Standards) for the purposes of the Act.

The ACT Public Service Joint Council (Joint Council) is the peak union and management consultative committee for the ACTPS. The Joint Council is constituted under section 44 of the PSM Act and in accordance with that section it is established in part 8.3 of the Standards.

The amendment relates to the establishment of the Joint Council.

The amendment is intended to simplify arrangements associated with the functions of the Joint Council thereby enabling a more responsive body. To achieve this the amendment removes proscription from the Standards by omitting:

- section 581 (Functions of Joint Consultative Council);
- section 582 (Operation);
- section 583 (Term of appointment of Members);
- section 585 (Committees); and
- section 586 (Consultation).

In place of these omitted sections, the amendment introduces at section 580 a reference to Terms of Reference approved by the Minister for Industrial Relations. Section 580 requires the functions and operating arrangements for the Joint Council be contained in the Terms of Reference. It is intended that the Terms of Reference will maintain accountable and transparent Joint Council processes.

The amendment is intended to allow membership of the Joint Council to change size. The amendment replaces the prescription about the precise number of members of the Joint Council with a requirement in section 582 that there be an equal number of UnionsACT nominated and Commissioner nominated members. In support of the intention that the Joint Council be able to be reduced in size, section 584 (Termination

of appointment) is amended to introduce the capacity to terminate the appointment of members to reduce the total size of the Joint Council. It is intended that the total membership and the quorum be contained in the Terms of Reference approved under section 580.

The amendment splits the former section 580 (ACT Public Service Joint Council) into section 581 (Chair and Deputy Chair), section 582 (Members) and section 583 (Deputy members). It is intended that segregating the provisions relating to the different positions on the Joint Council will add clarity to the composition of the Council.

In support of the other amendments, section 579 was amended as follows:

- the definition of *consultation* was omitted because neither the definition nor the references to consultation in the part deviated from the word's ordinary meaning;
- the definitions of *Management Council* and *officer* were omitted as references to each have been removed from the body of the part; and
- a new definition of *members* was substituted to make it stand alone rather than referential.

Provisions retained during the amendment have been edited to improve clarity.