



APS Consultative Committee Terms of Reference

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Table of Contents

1. Introduction.....	3
2. Purpose.....	3
3. Committee Membership	3
4. Membership Guidelines	4
5. Committee Member Responsibilities and Functions	4
6. Scope of the Committee.....	5
7. Committee interactions, governance and reporting.....	5
8. Committee interactions.....	5
9. Governance	6
10. Reporting.....	6
11. Conflict of Interest.....	6
12. Non-Committee Contributors	6
13. Meeting schedule, engagement method and frequency	6
14. Secretariat	6
15. Meeting preparation	7
16. Quorum	7
17. Behaviours and conduct.....	7

Terms of Reference

1. Introduction

- 1.1. As agreed during service-wide bargaining, an APS Consultative Committee is to be established. This outcome is included in the [Statement of Common Conditions](#), which notes the following:
 - 1.1.1. The APS Commissioner will establish an APS Consultative Committee.
 - 1.1.2. The APS Consultative Committee will operate subject to an agreed structure and terms of reference.
 - 1.1.3. Membership will include unions with coverage in the APS, and APS management representatives.
 - 1.1.4. Representatives will deal with each other in good faith.
 - 1.1.5. The APS Consultative Committee will consider matters pertaining to the employment relationship and of interest to the APS as a whole.
- 1.2. The Terms of Reference detail the operation and structure of the APS Consultative Committee (the ACC).
- 1.3. It is intended the Terms of Reference be considered a 'live' document subject to change. Where, through the operation of the ACC, any changes or updates are identified, the Chair may do so based on the feedback or suggestions agreed by ACC members.

2. Purpose

- 2.1. The ACC will support the development of stronger collaboration between APS management and those unions with APS coverage.
- 2.2. The forum will facilitate engagement across a range of matters and be representative of the diversity of portfolio responsibilities.
- 2.3. It will be a peak forum for discussing matters pertaining to the employment relationship and of interest to the APS as a whole, with the aim of furthering discussion and action on relevant matters.
- 2.4. The ACC is not a decision making body but rather a forum for formal discussion and collaboration, with a view to advancing priority issues.

3. Committee Membership

- 3.1. Equitable representation and active participation are essential principles for an effective consultative committee, this means a diverse representation of stakeholders from across the APS and unions is necessary.
- 3.2. Membership is intended to allow for effective consultation and representation, whilst ensuring the ACC can operate with focus and momentum.
- 3.3. The ACC will comprise a Chair and a Deputy Chair appointed by the APS Commissioner. It will also comprise APS department/agency representation consistent with that of the Chief Operating Officers Committee, one additional agency representative from each portfolio as nominated by the portfolio department and representatives from each union with APS coverage.
- 3.4. Departments/agencies will nominate ACC members having regard to the remit and purpose of the ACC. Membership is recommended at the Executive Level 2 as a minimum (SES level is preferred).

- 3.5. Unions will nominate ACC members appropriate to the diversity of their APS membership, and with consideration to a balance between APS and union membership.
- 3.6. Additional membership may be requested, and will be as agreed by the Chair. When making a decision, the Chair will consider the views of ACC members. Consideration may also be had to the size of the relevant agency or the representation of the relevant union, and current membership numbers.
- 3.7. To ensure effective operation and steering of the ACC, member numbers may be capped by the Chair.
- 3.8. The Chair may establish or propose additional members at any time, and proxies will be permitted.
- 3.9. A detailed membership list can be found at **Attachment A**.

4. Membership Guidelines

- 4.1. In determining representation, departmental Secretaries must have regard to the agencies within their portfolio. Departments should provide one of two places to a portfolio agency.
- 4.2. Departmental Secretaries should determine the most appropriate method for seeking nominations in a fair, transparent and inclusive manner. They may have regard to the operating environment of their department and that of their portfolio agencies, and any existing processes that might be adopted.
- 4.3. Agency Heads should ensure adequate resourcing is available for members to actively engage and participate, including allowing sufficient time to prepare for and attend meetings during normal work time.
- 4.4. ACC membership will be for a period of up to 24 months, and may be reviewed by the APS Commissioner to ensure equitable opportunities for participation and representation.
- 4.5. Where the Chair is present at a meeting, the Deputy Chair may attend in their capacity as a member.

5. Committee Member Responsibilities and Functions

5.1. ACC members will:

- 5.1.1. Actively contribute to meetings, share views and promote co-operation.
- 5.1.2. Actively participate in discussion, with a focus on advancing priority issues.
- 5.1.3. Provide information, views, feedback and meeting papers, with broad input from portfolio agencies or union members, as appropriate.
- 5.1.4. Improve communication, information sharing and understanding between APS management representatives and unions.
- 5.1.5. Where required, ensure appropriate messaging and outcomes are disseminated to stakeholders. This may include senior executives, specific agency work areas and/or union members.
- 5.1.6. Share information about current and proposed legislation, policy, regulation and best practice, as appropriate.
- 5.1.7. Prepare for meetings by reviewing the agenda and papers, and formulating any questions.
- 5.1.8. Consult with relevant stakeholders in order to appropriately represent their views.
- 5.1.9. Foster cooperation and collaboration between stakeholder groups.
- 5.1.10. Build trust with other members of the ACC.

5.2. In addition to the above, the Chair and Deputy Chair will:

- 5.2.1. Manage all aspects of committee meetings in a fair and independent manner.

- 5.2.2. Facilitate constructive and respectful discussion between members.
- 5.2.3. Ensure APS members abide by the [APS Values](#) and [Code of Conduct](#).
- 5.2.4. Ensure non-APS members have regard to the standards of behaviour and the expectations articulated in the [APS Values](#) and [Code of Conduct](#), including behaving in a respectful, professional and courteous manner.
- 5.2.5. In a timely and appropriate manner, address any instance of poor conduct or behaviour with the relevant ACC member.
- 5.2.6. Lead the activities of the ACC and participate in the definition of its strategic orientation, with a focus on advancing priority issues.
- 5.2.7. Support ACC members and the Secretariat to ensure governance requirements are met and meetings function effectively.
- 5.2.8. Guide ACC members on how information should be cascaded.

6. Scope of the Committee

- 6.1. The ACC will consider matters related to the employment relationship and of interest to the APS as a whole, or those topics otherwise considered appropriate by the Chair.
- 6.2. Members may propose topics for discussion and will exercise judgement when doing so.
- 6.3. The Chair will determine whether the ACC is the appropriate forum, having considered the views of ACC members and the remit and purpose of the ACC.
- 6.4. The below are indicative of the types of matters that are out of scope for the ACC:
 - 6.4.1. Matters affecting an individual employee, team, work area or agency, such as performance management actions, workloads, recruitment decisions.
 - 6.4.2. Matters affecting specific work areas within an agency.
 - 6.4.3. The particulars of current and ongoing industrial disputes.
 - 6.4.4. Discussion or re-litigation of agency specific workplace matters.
 - 6.4.5. Government policy, other than implementation of the policy where it impacts APS-wide matters.
- 6.5. Where there is uncertainty or disagreement about whether a matter is in scope of the ACC, the Chair will attempt to resolve the issue with the member/s raising the matter prior to finalising the agenda, where possible. In making a decision, the Chair will have regard to the views of ACC members and the remit and purpose of the ACC.

7. Committee interactions, governance and reporting

- 7.1. To ensure appropriate interactions with other peak forums, such as the Secretaries Board, the Chief Operating Officers (COO) Committee and agency-level consultative committees, the ACC will provide visibility of progress, and be clear on its remit and purpose.

8. Committee interactions

- 8.1. The ACC does not replace any process that feeds into, or builds on, actions arising from the aforementioned forums.
- 8.2. The ACC does not displace the need for agency-level consultative committees, or the consultation that should occur in accordance with the provisions of agency enterprise agreements.

- 8.3. Matters discussed by the ACC may inform discussions in other forums and vice versa. The discussions in one forum are not necessarily reliant on discussions which may occur in another.
- 8.4. The ACC is not a decision making body, and it is not intended that discussions undertaken by the ACC would meet pre-decision consultation.
- 8.5. There may be matters raised through the ACC that will require consultation at the agency level. Where this occurs, ACC members (both APS and union) will work with their agencies to ensure appropriate pre-decision consultation occurs wherever possible.

9. Governance

- 9.1. A **Forward Work Plan** will be maintained by the Secretariat, and will inform and track proposed agenda items.
- 9.2. An **Action Items Register** will be maintained by the Secretariat, and will ensure accountability.
- 9.3. Meeting Minutes will be as agreed by the ACC members.

10. Reporting

- 10.1. Where requested by the Chair, the Forward Work Plan and Action Items Register will be provided to the COO Committee for noting.
- 10.2. Where appropriate, a communique outlining the key discussion points will be published on the Australian Public Service Commission website after each meeting of the ACC.

11. Conflict of Interest

- 11.1. ACC members should identify any perceived or actual conflicts of interest ahead of each meeting.
- 11.2. Where a conflict of interest is identified, the ACC member should discuss the matter with the Deputy Chair in the first instance. The Deputy Chair will determine appropriate action, and whether the matter is to be progressed to the Chair for further consideration.

12. Non-Committee Contributors

- 12.1. At times, the ACC may seek advice on specific subject areas. Where required, standing or short-term 'Reference Groups' may be established for this purpose.

13. Meeting schedule, engagement method and frequency

- 13.1. The ACC will convene quarterly for meetings of two hours in duration. Where required by the Chair, the frequency and length of meetings may be adjusted.
- 13.2. The final agenda and meeting papers will be provided to members at least two weeks in advance of each meeting, where possible.
- 13.3. Meetings will ordinarily be held via Microsoft TEAMS, with flexibility to conduct in person meetings where appropriate.
- 13.4. Where required, out-of-session meetings may be scheduled, and the duration of meetings extended.
- 13.5. The ACC Secretariat will provide reasonable notice where changes to the schedule are proposed.

14. Secretariat

- 14.1. The **Australian Public Service Commission** will provide secretariat functions for the ACC. Secretariat functions will include, but are not limited to:

- 14.1.1. Providing administrative support and policy advice to the ACC.
- 14.1.2. Scheduling meetings, developing agendas and coordinating the provision of meeting papers.
- 14.1.3. Preparing and distributing meeting minutes.
- 14.1.4. Distributing relevant information to members in advance of meetings.
- 14.1.5. Coordinating reporting, including to the APS Commissioner, Ministers or Agency Heads.
- 14.1.6. Facilitating meetings.
- 14.1.7. Maintaining a Forward Work Plan and Action Items Register.
- 14.1.8. Other functions as directed by the Chair or Deputy Chair.

15. Meeting preparation

- 15.1. The ACC Secretariat will liaise with ACC members as early as is practicable, to seek views on proposed agenda items and to request the provision of relevant agenda papers.
- 15.2. Members are required to read the papers ahead of the meeting to ensure active participation.
- 15.3. Portfolio representatives are responsible for seeking views from all agencies within their portfolio and representing them in the meeting.

16. Quorum

- 16.1. The **Chair** or **Deputy Chair** must attend every meeting. Meetings will not occur where both the Chair and the Deputy Chair are unable to attend.
- 16.2. In this instance, the meeting may be rescheduled or postponed. Where possible, any rescheduled meeting should occur no later than one month after the initial intended meeting date.

17. Behaviours and conduct

- 17.1. Those members who are engaged under the *Public Service Act 1999* (APS employees) must abide by the [APS Values](#) and [Code of Conduct](#) at all times, including in their dealings with the ACC and in undertaking its functions.
- 17.2. Non-APS members must have regard to the standards of behaviour and the expectations articulated in the [APS Values](#) and [Code of Conduct](#), and behave in a respectful, professional and courteous manner.
- 17.3. All members must:
 - 17.3.1. Behave in an honest and ethical manner.
 - 17.3.2. Deal with each other in good faith.
 - 17.3.3. Respect and show consideration for others, including by:
 - a. Valuing diversity, differing roles and opinions.
 - b. Considering people equally, without prejudice or favour.
 - c. Allowing others to be heard.
 - d. Refraining from offensive or disrespectful behaviour.

APS Consultative Committee Membership Structure[^]

Chair	As appointed by the APS Commissioner (minimum SES Band 2 level)
Deputy Chair	As appointed by the APS Commissioner (minimum SES Band 1 level)
Representatives from each of the following unions:	<ul style="list-style-type: none"> • The Community and Public Sector Union • Professionals Australia • The Australian Manufacturing Workers' Union • The Australian Services Union • The Australian Nursing and Midwifery Federation • The Communications Workers Union • The Australian Salaried Medical Officers' Federation • The Civil Air Operations Officers' Association of Australia • The United Workers Union • The Australian Institute of Marine and Power Engineers • Media, Entertainment and Arts Alliance • Civil Air
<p>* Two representatives from each portfolio:</p> <p>Plus one representative from:</p>	<ul style="list-style-type: none"> • The Department of Agriculture, Fisheries and Forestry • The Attorney-General's Department • The Department of Climate Change, Energy, the Environment and Water • The Department of Defence • The Department of Education • The Department of Employment and Workplace Relations • The Department of Finance • The Department of Foreign Affairs and Trade • The Department of Health, Disability and Ageing • The Department of Home Affairs • The Department of Industry, Science and Resources • The Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts • The Department of the Prime Minister and Cabinet • The Department of Social Services • The Department of the Treasury • The Department of Veterans' Affairs • Services Australia • The Australian Bureau of Statistics • The Australian Public Service Commission • The Australian Taxation Office • The Digital Transformation Agency • The Office of National Intelligence
<p>* One representative from the Department <u>and</u> one representative from a portfolio agency.</p> <p>[^] Not all unions/portfolios have put forward representatives.</p>	
Note: The Secretariat are not considered members of the ACC.	