



TERMS OF REFERENCE NSW PUBLIC WORKS PROGRAM CONSULTATIVE WORKING PARTY COMMITTEE

1. PREAMBLE

In accordance with clause 17, Consultative Arrangements, of *the Crown Employees (Department of Finance, Services & Innovation) Wages Staff Award 2015* and clause 65, Consultation and Technological Change, of *the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, the parties have established a NSW Public Works Consultative Working Party Committee (“**Committee**”).

The role of the Committee is endorsed by the NSW Department of Finance, Services and Innovation (“**DFSI**”). The Secretary, and other members of DFSI’s Executive Committee have a standing invitation to attend.

2. OBJECTIVES

The purpose and objectives of these consultative arrangements is to establish a formal framework for consultation with respect to the NSW Public Works Transformation Program (“**Program**”).

3. PARTIES

The Committee is established between:

- DFSI;
- The Public Service Association of NSW (PSA);
- The Professionals Australia (PA);
- The Construction, Forestry, Mining and Energy Union (CFMEU);
- The Electrical Trades Union of Australia (ETU); and
- The Communications, Electrical, Plumbing Union (CEPU).

4. FREQUENCY OF MEETINGS

Meetings will be held monthly, or at any other time as agreed between the Parties.

5. COMPOSITION

Chair:

Deputy Secretary, NSW Public Works (Chair).

Members:

- Up to five (5) DFSI representatives, including members of Deputy Secretary of NSW Public Works, NSW Public Works Management, DFSI's Executive Committee, and People and Culture.
- Up to one (1) PSA representative.
- Up to one (1) PA representatives.
- Up to one (1) CFMEU representatives.
- Up to one (1) ETU representative.
- Up to one (1) CEPU representative.

Observers:

Observers may be present at a meeting however they do not participate in the meeting. Committee members are to notify the Chair of numbers and roles of observers prior to a meeting.

Presenters of Agenda Items:

Presenters are to provide background and explanation to papers before the Committee and answer questions from members on the issue presented. Presenters are nominated in advance by Committee members for attendance and presentation.

6. SECRETARIAT

DFSI to resource the secretariat.

7. QUORUM

A quorum will consist of:

- Deputy Secretary, NSW Public Works
- 2 people from DFSI
- 1 person from PSA.
- 1 person from PA.
- 1 person from CFMEU.
- 1 person from ETU.
- 1 person from CEPU.

8. CONDUCT OF MEETINGS

The Chairperson shall at the commencement of each meeting ensure that all agenda items to be covered at the meeting are listed on the agenda.

The Chairperson, with agreement of the Committee, may rearrange agenda items to address urgent business or for any other reason deemed valid by the Committee.

The Chairperson shall ensure the meetings are run according to the time allocated and in accordance with accepted protocols, including dealing only with matters on the agenda and referring any other matters to “General Business” or as an Agenda item for the next meeting.

The Chairperson shall ensure the fair and equitable involvement of all Committee members.

The terms of reference for the Committee shall be made available to the Chairperson by the secretariat at each meeting for reference, and to ensure agreed procedure and processes are followed.

9. CHAIRPERSON

The Chairperson shall be the Deputy Secretary, NSW Public Works or nominee.

The Chairperson of a meeting in progress shall ensure that a Chairperson is nominated for the next meeting, prior to the close of the meeting. This shall be a standing item on every agenda prior to the close of a meeting.

All papers and observer and presenter nominations are channelled through the Chairperson.

The secretariat is responsible for arranging and disseminating Committee Minutes, Action List and Agenda.

10. AGENDA

Items would be placed on the agenda and supported by a briefing paper for discussion. Information items would be provided for noting but not listed for discussion.

- 10 working days before the meeting the secretariat is to send an email to the Committee members asking for agenda items and briefing papers.
- Committee members have 4 working days to provide this information to the secretariat.
- 5 working days before the meeting the secretariat is to email agenda items and briefing papers to the Chair for review and prioritisation.
- 3 working days before the next meeting the Chair is to email final agenda and briefing papers to the secretariat. The secretariat is then to email the agenda and papers to the Committee members.

Agreed distribution would not be delayed pending “late” papers. Late items will be listed for the next meeting or at the discretion of the Chair.

All agenda items must have background information. If an agenda item is raised again at a subsequent meeting, updated information is to be provided at that meeting. If

background information is not available prior to the Committee, the item will be raised in general business.

Members have the right to withdraw an agenda item if other relevant members are not available to discuss the issue. The item is to be held over until the next meeting or if the matter is urgent it may be dealt with between meetings.

11. MINUTES

Minutes reflect agreed actions. Information submitted with agenda will cover discussion points. Any additional points to be noted where relevant.

Minutes are to include a brief summary of discussion and action points. Minutes will be ratified at the next meeting.

The Committee can agree for the release of dot points agreed in advance on certain action items at the meeting. These points will be uploaded on the DFSI intranet page within 48 hours. Minutes will not be put on the intranet until they are ratified by the Committee. When ratified, minutes will be placed on the DFSI intranet within 48 hours.

Draft minutes to be emailed to Committee members within ten working days. The Chair will decide if minutes are to be checked by the Chairperson before they go out to the Committee members.

12. CONFIDENTIALITY

The members of the Committee shall agree what agenda items or parts of an agenda item are confidential and/or commercially sensitive prior to any discussion and therefore not for distribution in the action record or otherwise to staff.

Committee discussions and minute taking will comply with privacy legislation. Individuals are not to be discussed by name (specific matters will be discussed in another forum as appropriate).

13. CONSULTATIVE WORKING GROUP SUB-COMMITTEES

The Committee may from time to time delegate an issue to a sub-committee of the Committee. The Committee may from time to time, create a sub-committee to deal with issues outside the brief of the standing sub-committees.

Standing sub-committees of the Committee will include the office consultative committees in the functional areas of the Department, where such exist.

The NSW Public Works Consultative Working Group Sub-committee is a standing sub-committee.

Sub-committees should only deal with local issues, and if unresolved, the matter should be referred to Committee. DFSI wide matters will be referred to the Committee.

Sub-Committees will present their recommendations to the Committee, where issues have potential agency wide implications.

The Committee is not bound to accept recommendations of sub-committees but must consider such recommendations and provide reasons for rejecting the recommendations.

14. CONSTITUTION

Any changes to the terms of reference for the Committee must be processed as:

- Introduced as an agenda item for approval by the Committee
- Terms of Reference amended and circulated to all parties
- Changes must then be endorsed by the Deputy Secretary of NSW Public Works of the Department and the nominated Union representatives.

15. MATTERS FOR CONSULTATION

Without limiting the scope of consultation, the primary matters for consultation by the Committee shall be with respect to the Program, such as:

- Updates with respect to the status of the Program;
- Implementation of the Program;
- Issues raised by the NSW Public Works Consultative Working Group Sub-committee; and
- Any other issues specific to the Program.

16. REPORTING ARRANGEMENTS

The Committee minutes will be posted on the DFSI Intranet. The meetings would be scheduled to allow Union member debriefs in line with regular meetings.

Agreed by:

Brian Baker
Deputy Secretary, NSW Public Works
Department of Finance, Services and Innovation

Date: ___/___/___

Agreed by:

[INSERT NAME]

[INSERT TITLE]

Professionals Australia

Date: ___/___/___

Agreed by:

[INSERT NAME]

[INSERT TITLE]

Public Service Association of NSW

Date: ___/___/___

Agreed by:

[INSERT NAME]

[INSERT TITLE]

Construction, Forestry, Mining and Energy Union

Date: ___/___/___

Agreed by:

[INSERT NAME]

[INSERT TITLE]

Electrical Trades Union of Australia

Date: ___/___/___

Agreed by:

[INSERT NAME]

[INSERT TITLE]

Communications, Electrical, Plumbing Union

Date: ___/___/___