

Australian Capital Territory

# **Public Sector Management Amendment Standard 2004 (No 7)**

**Disallowable instrument DI2004—229**

made under the

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

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

Cheryl Anne Vardon  
Commissioner for Public Administration

15 / 9 /2004

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

Jon Stanhope  
Chief Minister

9 / 9 /2004

**SCHEDULE 1 TO DISALLOWABLE INSTRUMENT DI2004-229**

<b>PROVISION OF MANAGEMENT STANDARDS</b>		
<b>Part</b>	<b>Part/Rule Description</b>	<b>AMENDMENT</b>
Standard: Introduction	Part 2, Rule 2: Definitions of particular terms	Omit Standard: Introduction, Part 2, Rule 2. Substitute new Standard: Introduction, Part 2, Rule 2 as set out in Schedule 2.
Standard: Introduction	Part 2, Rule 4: Notes	Insert new Standard: Introduction, Part 2, Rule 4 as set out in Schedule 2.
Standard 2	Part 10 Rule 3: Qualifications and other entry conditions for permanent staff movements	Omit Standard 2, Part 10, Rule 3. Substitute new Standard 2, Part 10, Rule 3 as set out in Schedule 2.
Standard 2	Part 10, Rule 13: Independent Reviewers	Insert new Standard 2, Part 10, Rule 13 as set out in Schedule 2.
Standard 3	Part 2 Rule 3: Part time temporary employees	Omit Standard 3, Part 2, Rule 3. Substitute new Standard 3, Part 2, Rule 3 as set out in Schedule 2.
Standard 3	Part 3, Rule 7: Increments for part-time officers and employees	Omit Standard 3, Part 3, Rule 7. Substitute new Standard 3, Part 3, Rule 7 as set out in Schedule 2.
Standard 7	Part 1, Rule 1: Application	Omit Standard 7, Part 1, Rule 1. Substitute new Standard 7, Part 1, Rule 1 as set out in Schedule 2.

## SCHEDULE 2 TO DISALLOWABLE INSTRUMENT DI2004-229

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### New Standard: Introduction, Part 2, Rule 2

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#### 2. Definitions of particular terms

If a term is used in these Standards and the term is defined in the Act but not in the Standards, then, unless the contrary intention appears, the term has the meaning given to it in the Act.

In these Standards, unless the contrary intention appears:

'ABS' means the Australian Bureau of Statistics

'ACTEW' means the ACTEW Corporation Limited established under the *Territory Owned Corporations Act 1990*

'ACTPS' means the Australian Capital Territory Public Service established under section 5 of the *Public Sector Management (Amendment) Act 1995*. 'ACTGS' has the same meaning

'agency' has the same meaning as 'government agency' in the Act

'APS' means the Australian Public Service

'ASO' means the classification '*Administrative Service Officer*' and includes a reference to an office classified by that name or a person occupying such an office

'Award' has the same meaning as '*industrial award*' in the Act

'*Calvary Hospital*' means Calvary Hospital A.C.T. Incorporated

'*Certified Agreement*' means the relevant ACT Public Service agreement that covers officers and employees certified under Division 4 of Part VIB of the *Workplace Relations Act 1996* (Commonwealth)

'*Chief Executive*' has the same meaning as '*relevant Chief Executive*' in the Act

'COMCARE' has the same meaning as in the *Safety Rehabilitation and Compensation Act 1988* (Commonwealth)

'committee', in relation to a committee, means all the members of the committee or one or more members acting on behalf of all members

'*Commonwealth Superannuation Scheme*' (CSS) means the superannuation scheme administered under the *Superannuation Act 1976* (Commonwealth)

'*Consequential and Transitional Provisions Act*' means the *Public Sector Management (Consequential and Transitional Provisions) Act 1994* (ACT)

'CPA' means the Commissioner for Public Administration

'current office' means the office an officer occupies, or, for an unattached officer, an office having the same classification as the officer

'domestic partner' is a reference to someone who lives with the person in a domestic partnership, and includes a reference to a spouse of the person

'domestic partnership' is the relationship between 2 people, whether of a different or the same sex, living together as a couple on a genuine domestic basis

'Gazette' means the *Australian Capital Territory Gazette*

'GMO' means a Government Medical Officer registered as a medical practitioner who has been engaged to provide medical opinion to a government agency in respect of a person

'GSO' means the classification 'General Service Officer' and includes a reference to an office classified by that name or a person occupying such an office

'HDA' means Higher Duties Allowance

'locality' means the ACT and surrounding region

'MPRA' means the Merit Protection and Review Agency established under the *Merit Protection (Australian Government Employees) Act 1984* (Commonwealth).

'part-time officer' means an officer who occupies a part-time office or an unattached officer who occupied a part-time office immediately before becoming unattached

'Public Sector Superannuation Scheme' (PSS) means the superannuation scheme administered under the *Superannuation Act 1990* (Commonwealth)

'returned soldier' has the same meaning as the definition in section 251(6) of the *Public Sector Management Act 1994*

'Selection Committee' means a committee established to consider and recommend which officer, employee or person should be appointed, promoted, transferred to an office or employed

'Self-Government Act' means the *Australian Capital Territory (Self Government) Act 1988* (Commonwealth)

'Self-Government (Consequential Provisions) Act' means the *ACT Self-Government (Consequential Provisions) Act 1988* (Commonwealth)

'staff bulletin' means any bulletin distributed among officers and employees under the authority of the Commissioner and which contains details of positions available for appointment, promotion, permanent or temporary transfer or employment

'Standard' means a Public Sector Management Standard made under the Act and includes a part of a Standard

'State' includes a Territory

'Superannuation Acts' mean the *Superannuation Act 1976* (Commonwealth) or the *Superannuation Act 1990* (Commonwealth), or both, as the case requires

'the Act' means the *Public Sector Management Act 1994* (ACT)

'union' has the same meaning as '*relevant staff organisation*' in the Act

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New Standard: Introduction, Part 2, Rule 4

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#### **4. Notes**

A note included in these Standards is explanatory and is not part of the Standards.

*Note* See Legislation Act, s127(1),(4) and (5) for the legal status of notes.

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New Standard 2, Part 10, Rule 3

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### **3. Qualifications and other entry conditions including remuneration**

The minimum professional, technical or other special qualifications and conditions for appointment, promotion (including conditions of advancement) or permanent transfer to particular offices, including training offices, are set out in Rules 11 and 12.

Rule 13 provides for remuneration and other conditions of independent reviewers as defined in Standard 2 Part 10 Rule 13.

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New Standard 2, Part 10, Rule 13

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### **13. Independent Reviewers**

#### **Interpretation**

'Day' means 5 hours

'Independent reviewer' means a person approved by the CPA to review and make recommendations on employment related decisions under Certified Agreements

'Work level standards' means the stream descriptions for the Senior Officer Grade A classification

### **Application**

This Rule applies to a person engaged as an independent reviewer.

### **Remuneration**

A person engaged as an independent reviewer is paid a rate of \$357 per day. For work less than 3 hours, the rate is \$92 per hour.

The loading referred to in Standard 3 Part 2 Rule 3 is payable to independent reviewers on top of the \$357 per day or \$92 per hour remuneration, and that loading is payable even where the hours of duty or attendance exceed those listed in Standard 3 Part 2 Rule 3 for part-time employees. An independent reviewer is not entitled to recreation or personal leave.

Standard 3 Part 3 Rule 7 does not apply to an independent reviewer.

### **Classification**

For the purposes of assessing the generic requirements of a position, an independent reviewer is equivalent to the Senior Officer Grade A work level standards.

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## New Standard 3, Part 2, Rule 3

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### **3. Part-time temporary employees**

The hourly rate at which salary is payable to a part-time temporary employee, except those described in the next paragraph, is at the same hourly rate as that of an equivalent full-time employee.

Unless provided for elsewhere in the Standards, the hourly rate at which salary is payable to a part-time employee who is required to attend for duty:

- for less than 24 hours a week; and
- on less than four days a week.

must be fifteen per cent greater than the hourly rate payable to an equivalent full-time employee (*‘the 15% loading’*).

A part-time employee to whom the 15% loading applies is not entitled to payment for recreation or personal leave.

*Note* See Standard 2 Part 10 Rule 13; where an independent reviewer must be paid the loading irrespective of hours worked or attendance period in lieu of recreation or personal leave.

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New Standard 3, Part 3, Rule 7

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**7. Increments for part-time officers and employees**

A part-time officer is entitled to increments after twelve months service at that office or higher.

Unless otherwise provided in the Standards, a part-time temporary employee in the administrative stream is entitled to increments provided that they work at least 24 hours per week or on at least four days per week and have worked hours equivalent to twelve months full time service.

*Note* See Standard 2 Part 10 Rule 13, where an independent reviewer is remunerated according to daily and hourly rates and no increments are specified.

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New Standard 7, Part 1, Rule 1

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**1. Application**

This Part applies to the former ACTEW officers transferred to the Department of Urban Services on 1 July 1995 listed in Column 1 of Rule 13 of this Part.