



Australian Capital Territory

# **Public Sector Management Standards 2006**

**DI2006-187**

made under the

**Public Sector Management Act 1994**

**Republication No 24**

**Effective: 16 July 2010 – 23 August 2010**

Republication date: 16 July 2010

Last amendment made by DI2010-164

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Public Sector Management Standards 2006*, made under the *Public Sector Management Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 July 2010. It also includes any amendment, repeal or expiry affecting the republished law to 16 July 2010.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Public Sector Management Standards 2006

made under the

**Public Sector Management Act 1994**

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Australian Capital Territory

# Public Sector Management Standards 2006

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made under the

**Public Sector Management Act 1994**

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## Chapter 1 Preliminary

### 1 Name of standard

This standard is the *Public Sector Management Standards 2006*.

### 3 Dictionary

The dictionary at the end of this standard is part of this standard.

*Note 1* The dictionary at the end of this standard defines certain terms used in this standard.

*Note 2* A definition in the dictionary applies to the entire standard unless the definition, or another provision of the standard, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 Notes

A note included in this standard is explanatory and is not part of this standard.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## Chapter 2 Ethics

### Part 2.1 Reasonable care and skill

#### 5 Application—pt 2.1

This part applies to officers, employees including those of Territory instrumentalities, unless specifically excluded.

#### 6 Interpretation—pt 2.1

In this part:

*Code of Ethics* means the general obligations of public employees under the Act, section 9.

*core hours* means the hours which are determined by the relevant Chief Executive as the core hours of work.

*manager* means an officer or employee with supervisory or management responsibilities at a range of levels throughout the ACTPS.

*officer* means all officers and employees, covered by the Code of Ethics, except where specifically excluded.

*senior manager* means an employee at branch head level or equivalent.

#### 7 Consumption of alcohol

An officer must not drink alcohol while on duty or on government premises during core hours without prior approval of a senior manager on special occasions, like Christmas parties, the Melbourne Cup and farewells.

## **8 Alcohol in government vehicles**

- (1) Alcohol must not be carried in or on government vehicles except where prior approval has been given for a special occasion by a senior manager.
- (2) Alcohol must not be consumed in or on a Government vehicle.

## **9 Managing Territory records**

- (1) An officer involved with the creation and/or management of records (as defined by the *Territory Records Act 2002*) has a duty of care to ensure that records are managed in accordance with agency's obligations under the *Territory Records Act 2002* and other related legislation.
- (2) In particular, an officer or employee responsible for a record must ensure the record—
  - (a) is kept in a form that ensures that the information continues to be accessible in accordance with the *Freedom of Information Act 1989* and agency's obligations under the *Territory Records Act 2002*; and
  - (b) is kept safe and preserved properly, in accordance with agency's obligations under the *Territory Records Act 2002*.

*Note* Agency's obligations under the *Territory Records Act 2002* includes the agency's approved records management program.



## Part 2.2                      Conflict of interest

### 10                      Application—pt 2.2

This part applies to all officers and employees, except the provisions requiring prior approval before commencing a second job in section 13 which, under the Act, section 244, relate only to officers.

### 11                      Interpretation—pt 2.2

In this part:

*Code of Ethics* means the general obligations of public employees under the Act, section 9.

*confidential information* means information which it is an officer's duty not to disclose and, in the case of a former officer, information which, at the time they cease to be an officer, it was their duty not to disclose.

*core hours* means hours which are determined by the relevant Chief Executive.

*officer* means an officer covered by the Code of Ethics, except where specifically excluded.

*second job* means employment other than an officer's current ACTPS office and includes employment or any other activity within the scope of the Act, section 244 and includes a second job in the ACT Government.

### 12                      Chief Executives and Executives

- (1) A Chief Executive or Executive or person acting as a Chief Executive or Executive for a continuous period of three months or more must complete a formal declaration of interests.

- (2) Declarations by a Chief Executive or Executive must be made—
  - (a) prior to engagement or temporary transfer; and
  - (b) every twelve months as part of an annual review; and
  - (c) as soon as possible after any relevant facts have come to the employee's notice; and
  - (d) whenever the relevant circumstances change.

### **13 Second jobs**

- (1) Under the Act, section 244 an officer must not without the written approval of the Chief Executive of an agency—
  - (a) accept or continue to hold paid employment in the Commonwealth or under the Government of a State, or in or under any public or municipal corporation; or
  - (b) engage in or continue to hold or discharge the duties of, or be in paid employment in connection with any business whether carried on by any corporation, company, firm or individual; or
  - (c) engage in or undertake any such business, whether as principal or agent; or
  - (d) engage or continue in the private practice of any profession, occupation or trade or enter into any employment, whether remunerative or not, with any person, company or firm who or which is so engaged; or
  - (e) act as a director of a company or incorporated society, otherwise than in accordance with the requirements of the duties of the officer's office or otherwise on behalf of the Territory; or
  - (f) accept or engage in any remunerative employment other than in connection with the duties of their office or offices under the Territory.

- (2) Examples of a second job include—
  - (a) a second ACT Government position; or
  - (b) a part-time job outside of core hours; or
  - (c) employment taken up during recreation, long service or other leave; or
  - (d) any other profitable activity outside official duties - for instance, the holding of directorships, and engagement as tax agents.
- (3) A Chief Executive must not, except in accordance with the written approval of the Chief Minister, accept or engage in any remunerative employment other than in connection with the performance of their duties in the ACTPS (the Act, section 35).
- (4) Executive contracts also apply the provisions of the Act, section 244, to require an Executive to seek the agreement of the Chief Executive to any other employment.
- (5) An officer must put their current ACTPS position before any other employment. Due to the high risk of a real or apparent conflict of interest, all officers who want to begin a second job must, under the Act, section 244, get prior approval from their Chief Executive.
- (6) An officer on leave, including long service leave and leave without pay, wishing to undertake a second job while on leave must apply for permission to do so under the Act, section 244. An application should be attached to the relevant leave form.

## **14      Unauthorised disclosure of information**

An officer or employee who leaves the ACTPS to work for another employer and who intends to use confidential information acquired while a member of the ACTPS in their new employment, must not use the information without the approval of the relevant Chief Executive or the relevant Minister in the case of a Chief Executive.

## Part 2.3 Equity and diversity

### 15 Application—pt 2.3

This part applies to the Commissioner for Public Administration and Chief Executives.

### 16 Commissioner for Public Administration

- (1) Under the Act, section 40, the Commissioner is to develop and issue an equal employment opportunity program for the Service.
- (2) The Equity and Diversity Framework for the ACT Public Service is intended as that program.
- (3) The Commissioner will update the Framework as appropriate by providing a statement to that effect to the Chief Minister.

### 17 Chief Executive responsibilities

- (1) A Chief Executive must take all reasonable steps to prepare and implement Equity and Diversity Plans for their agency.
- (2) The Chief Executive must prepare an Equity and Diversity Plan prior to the expiration of the previous plan or within three months of the formation of a new agency.
- (3) The Chief Executive must monitor, report and review Equity and Diversity Plans.

## Part 2.4 Integrity

### 18 Application—pt 2.4

This part applies to a manager, officer or employee.

### 19 Interpretation—pt 2.4

In this part:

*Audit Committee* means a body created in accordance with the Department of the Treasury's policy document entitled *Internal Audit Framework*, promulgated in 2003. Agency Audit Committees monitor and review the effectiveness of corporate governance mechanisms in agencies.

*corruption* in relation to an officer or employee means that the officer or employee seeks, obtains or receives any benefit, other than lawful salary and allowances, on the understanding that the officer or employee will do or refrain from doing anything in the course of their duties or will attempt to influence any other officer or employee on behalf of any person.

*fraud* means taking or obtaining by deception, money or another benefit from the government when not entitled to the money or benefit, or attempting to do so - this includes evading a liability to government.

*integrity* means the exercise of authority in accordance with the stated values and principles of the ACT Public Service and includes the control of fraud and corruption.

*manager* means an officer or employee with supervisory or management responsibilities at a range of levels throughout the ACTPS.

***Risk Management Standard*** means the current Risk Management Standard AS/NZS 4360: (31 August 2004) issued by Standards Australia.

## **20 Fraud and corruption prevention**

- (1) In accordance with the Act, section 6 and section 29 (1), a Chief Executive must pursue a systematic approach to integrity.
- (2) A Chief Executive must ensure that risks to the integrity of the agency are assessed and treated in accordance with the Risk Management Standard and the associated policy guidance.
- (3) A Chief Executive must ensure that risks to the integrity of an agency are addressed in detailed fraud and corruption prevention plans.
- (4) A Chief Executive must ensure that the Agency's integrity arrangements are assessed and reviewed every two years, or more frequently if—
  - (a) any significant suspected fraud or corruption is discovered; or
  - (b) there is a significant change in the nature or scope of operations, procedures or systems.
- (5) The Chief Executive should explore opportunities to actively detect fraud and corruption within the Agency's programs, in accordance with privacy considerations and noting the requirements for cost effectiveness of these strategies.

## **21 Monitoring and recording integrity strategies**

- (1) The Chief Executive of an agency should request the Audit Committee to oversight the effectiveness of the integrity arrangements, in particular the conduct of the risk assessment and the implementation of the fraud and corruption prevention plans.

- (2) Managers must regularly and systematically assess the potential within their area of responsibility for theft, fraud and corruption to ensure that relevant control procedures are being followed and are effective.
- (3) An agency must establish and maintain an information system that records—
  - (a) all instances of fraud and corruption; and
  - (b) losses to the Agency or potential for damage to the reputation of the Agency or ACT Public Service; and
  - (c) investigative action taken; and
  - (d) disciplinary action taken or outcomes of matters which have been prosecuted; and
  - (e) any changes to procedures and practices arising from the incident.
- (4) The Audit Committee should have access to regular reports of information from the fraud and corruption reporting system.
- (5) A Chief Executive must include details of the implementation of fraud and corruption prevention plan in the Annual Report to the Minister.
- (6) In the Annual Report to the Minister, the Chief Executive must certify that—
  - (a) an assessment of the risks to the integrity of the Agency has been conducted in accordance with the Risk Management Standard and the associated policy guidance; and
  - (b) treatments for adequately dealing with the integrity risks identified have been addressed in the fraud and corruption prevention plan as described in the policy guidance; and

- (c) where the Agency has engaged, or is contemplating engaging, service providers from outside the ACT Public Service, that the integrity risks have been assessed and dealt with in the fraud and corruption prevention plan; and
  - (d) progress during the reporting year on the implementation of the fraud and corruption prevention plan.
- (7) A Chief Executive must select an Executive to be responsible for the implementation of the integrity strategies and the processes for the detection and investigation of fraud and corruption.
- (8) Details of the appointment must be forwarded to the Commissioner.

## **22 Investigation of fraud and corruption**

- (1) The Chief Executive must ensure that where cases of fraud and corruption are detected or notified, that action is taken to investigate those cases.
- (2) Where the case is considered to be serious and complex, the Australian Federal Police must be notified.
- (3) Agencies should recover losses caused by illegal activity through proceeds of crime legislation and civil recovery processes and, in the absence of criminal prosecution, to apply appropriate civil, administrative or disciplinary penalties.



## Part 2.5                      Personal use of IT resources

### 23                      Application—pt 2.5

This part applies to officers and employees.

### 24                      Interpretation—pt 2.5

In this part:

*Code of Ethics* means the general obligations of public employees under the Act, section 9.

*employees* are defined as an employee or officer covered by the Code of Ethics, except where specifically excluded.

*IT resources* are defined as information technology owned and/or controlled by the Territory, including computers, printers, network infrastructure and electronic mail.

### 25                      General

- (1) An employee must ensure that he or she does not access, download or store inappropriate material.
- (2) An employee must not use IT Resources to publish or communicate inappropriate material, including material which could be considered defamatory.

### 26                      Network Resources

An employee must not save unofficial software and/or large personal files, including personal cc:Mail archives, to any network drive.

**27      Electronic Mail (both internal and external)**

An employee must ensure that personal correspondence does not interfere with their duties and wherever possible deal with this correspondence outside working hours.

## Chapter 3                      Employment in the ACT Public Service

### Part 3.1                      Chief Executives and Executives

#### 28                      Application—pt 3.1

This part applies to—

- (a) a Chief Executive or Executive employed under the Act, section 28 or section 72; and
- (b) a person employed under the Act, section 30 or section 76; and
- (c) the Clerk of the Legislative Assembly.

#### 29                      Interpretation—pt 3.1

In this part:

***employer-provided motor vehicle*** means a Territory owned vehicle made available to an officer or employee as an employer-provided benefit, whether under a determination made under the *Remuneration Tribunal Act 1995* or otherwise and includes a vehicle provided in lieu of the vehicle.

***remuneration*** means the cash salary remuneration payable to chief executives and executives as set out in Column 2 ‘Remuneration (per annum)’ of Schedule A of Remuneration Tribunal Determination 2 of 2008 ‘Chief Executives and Executives’, effective 1 July 2008, as varied or any determination of the Remuneration Tribunal, which supersedes Determination 2 of 2008, and applies to chief executives and executives.

*Note*                      Column 2 ‘Remuneration (per annum)’ of Schedule A of Remuneration Tribunal Determination 2 of 2008 ‘Chief Executives and Executives’,

effective 1 July 2008, sets out the cash salary component of chief executive and executive remuneration.

***transitional executive*** means an ACT chief executive or executive who was an ACT Senior Executive Service officer immediately before the commencement of the *Public Sector Management (Amendment) Act 1995* and who has been continuously employed by the Territory from the commencement of the *Public Sector Management (Amendment) Act 1995*.

*Note* Continuous employment with the Territory may include an appointment to a full time statutory office established under Territory legislation.

## **29A Chief Executive Employment Benefit**

- (1) This section applies to chief executives engaged under the Act, section 28.
- (2) The Chief Minister may by instrument approve the payment to a chief executive of a chief executive employment benefit that may be up to, but no greater than, 20% of the chief executive's remuneration.
- (3) The Chief Minister may only approve a chief executive employment benefit if satisfied that it is necessary for the attraction to, or retention in, employment of a suitable person as a chief executive.
- (4) If the Chief Minister approves the payment of a chief executive employment benefit, then that benefit
  - (a) will commence on the date and in the amount (expressed as a percentage) specified in the instrument;
  - (b) will, unless specified in the instrument, apply for the term of the chief executive's contract;
  - (c) may, if less than the maximum, be increased by the Chief Minister at any time during the term of the chief executive's contract; and

- (d) may be reduced or ended by the Chief Minister if the chief executive's remuneration is increased, but not so as to reduce the amount paid to the chief executive to an amount less than the sum of (i) the remuneration paid to the chief executive before its increase and (ii) the benefit.
- (5) To avoid any doubt, the payment of a chief executive employment benefit is in addition to any remuneration, allowance or entitlement determined by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*.
- (6) A chief executive employment benefit may only be made in fortnightly pro-rata payments, and is not available as a lump sum payment.
- (7) A chief executive employment benefit counts for salary for all purposes including, but not limited to:
  - (a) superannuation; and
  - (b) salary when on recreation leave; and
  - (c) salary when on long service leave; and
  - (d) salary when on paid personal leave; and
  - (e) salary when on paid maternity leave; and
  - (f) redundancy payments; and
  - (g) salary when on other paid leave.
- (8) If a chief executive takes leave on reduced pay the chief executive employment benefit must be reduced on a pro-rata basis.

## **30 Personal leave**

- (1) A Chief Executive engaged under the Act, section 28 and an Executive engaged under the Act, section 72 is an officer for the purposes of the personal leave provisions in chapter 4.

- (2) If a person, immediately before the commencement of a section 30 or section 76 contract, was engaged under the Act, section 28 or section 72 or as an officer, that person continues to be treated as an officer for the purposes of the personal leave provisions in chapter 4.

*Note* This section, in part, provides that if an officer, Chief Executive or Executive is provided with a temporary chief executive or executive contract (under the Act, s 30 or s 76), the officer, Chief Executive or Executive continues to be treated as an officer for personal leave purposes.

- (3) A person or employee (engaged under the Act, division 5.7) with less than 12 months continuous service that is engaged under the Act, section 30 or section 76 is treated as a temporary employee for the purposes of personal leave as described in section 400. This does not apply to a person who, before the commencement of a section 30 or section 76 contract, was engaged under the Act, section 28 or section 72.

## **31 Recreation leave**

Except for section 383, the recreation leave provisions in part 4.16 apply to a Chief Executive and Executive engaged under the Act, sections 28, 30, 72 and 76.

## **32 Other Leave**

- (1) If, but for this section, a Chief Executive could not be granted leave, the Commissioner may grant leave (in this section called the ‘relevant period’) to a Chief Executive.
- (2) In granting this leave, the Commissioner must determine—
- (a) whether the leave is granted with or without pay; and
  - (b) whether and for what purposes the leave counts as service.

- (3) In determining whether the leave is granted with or without pay and to the extent which the leave counts as service, the Commissioner will have regard to—
  - (a) the purpose for which the leave is taken; and
  - (b) the length of the period of the leave.
- (4) Where the leave is granted with pay and is to count as service, the Commissioner may grant this leave on half-pay for a period not exceeding twice the relevant period.
- (5) If the Commissioner approves the taking of leave in this manner, this period of leave counts as service for all purposes.
- (6) If, but for this section, an Executive cannot be granted leave, this section also applies to an Executive, except that a reference to the Commissioner is to be read as a reference to the relevant Chief Executive.

**33      Preservation of recreation leave credit (leave bank provisions)**

- (1) In spite of the repeal of rules under former standard 17, chapter 2, B:11.3.3, in the case of SES officers (leave bank provisions)—
  - (a) a transitional Executive on entering into a contract under the Act, section 28 or section 72 is entitled to carry forward recreation leave credits accumulated under those rules; and
  - (b) a person who ceased to be a Chief Executive or Executive on becoming an officer pursuant to the Act, section 65 is entitled to carry forward recreation leave credits accumulated under those rules.
- (2) Recreation leave credits carried forward are added to the employee's ordinary recreation leave credit.

**35 Special benefits on early termination of contract**

- (1) This section does not apply to transitional executives.
- (2) In this section a period of continuous recognised service is calculated in the same way an officer's period of service is calculated for long service leave under the Act, section 154 and the Public Sector Management Standards, section 416.
- (3) For the purposes of Act, section 28A and 73, if a chief executive's or executive's contract of employment is terminated on a ground involving changes to operational requirements which result in a substantial change to the nature of the work required under the contract, the prescribed benefit payable:
  - (a) is two weeks of remuneration for every completed year of continuous recognised service; and
  - (b) excludes any period of service for which the chief executive or executive has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction; and
  - (c) can not exceed 44 weeks of remuneration.
- (4) For the purpose of the Act, section 28A and 73, if a chief executive's or executive's contract of employment is terminated because of a failure to disclose a prior criminal conviction, subject to the Spent Convictions Scheme in the *Spent Convictions Act 2000*, the prescribed benefit:
  - (a) is two weeks of remuneration for every completed year of continuous recognised service; and
  - (b) excludes any period of service for which the chief executive or executive has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction; and
  - (c) can not exceed one month of remuneration.



**36 Special benefits applying to transitional executives on early termination or non-renewal of contract in certain circumstances**

- (1) This section applies to transitional executives.
- (2) In this section a period of continuous recognised service is calculated in the same way an officer's period of service is calculated for long service leave under the Act, section 154 and the Public Sector Management Standards, section 416.
- (3) For the purpose of the Act, section 28A and section 73 if a transitional executive's contract of employment is terminated as a result of changes to operational requirements that result in substantial change to the nature of the work required under the contract, the prescribed benefit payable:
  - (a) is two weeks of remuneration for every completed year of continuous recognised service; and
  - (b) excludes any period of service for which the chief executive or executive has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction; and
  - (c) can not exceed 52 weeks of remuneration.
- (4) For the purpose of the Act, section 28A and section 73, if immediately following the expiration of a transitional executive's existing contract he or she is not offered a further contract, provided the reasons for not offering a new contract do not relate to poor performance, misconduct or failure to disclose a prior criminal conviction, subject to the Spent Convictions Scheme in the *Spent Convictions Act 2000*, the prescribed benefit payable:
  - (a) is two weeks of remuneration for every completed year of continuous recognised service; and

- (b) excludes any period of service for which the chief executive or executive has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction; and
  - (c) can not exceed 52 weeks of remuneration.
- (5) For the purpose of the Act, section 28A and section 73, if immediately following the expiration of a transitional executive's existing contract he or she is offered a further contract in respect of an executive office that has a significantly lower work value level than the office relating to the expired contract and the executive does not accept the further contract, the prescribed benefit payable:
  - (a) is two weeks of remuneration for every completed year of continuous recognised service; and
  - (b) excludes any period of service for which the chief executive or executive has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction; and
  - (c) can not exceed 52 weeks of remuneration.
- (6) For the purpose of the Act, section 28A and 73, if a transitional executive's contract of employment is terminated because of a failure to disclose a prior criminal conviction, subject to the Spent Convictions Scheme in the *Spent Convictions Act 2000*, the prescribed benefit:
  - (a) is two weeks of remuneration for every completed year of continuous recognised service; and
  - (b) excludes any period of service for which the chief executive or executive has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction; and
  - (c) can not exceed one month of remuneration.

**37 Payment in lieu for notice period**

- (1) Where notice is required under a chief executive or executive contract of employment, a payment equal to the remuneration for that period of notice may, at the election of the employer or employee, be made in lieu of notice.
- (2) A payment made in lieu of notice under this section is in addition to a payment made under the Standards, sections 35 or 36.

**38 Determining work value**

- (1) In this section and sections 39, 40 and 43A:  

*total remuneration point* in table 38, column 2 is the number assigned to that range of assessed work value in column 1.

The *remuneration zone* in table 38, column 3 is the range of assessed work value(s) in that Zone. The Zones are Zones 1 to 3 including:

  - (a) **Zone 1** includes the assessed work value range(s) from 680 to 899;
  - (b) **Zone 2** includes the assessed work value range(s) from 900 to 1299;
  - (c) **Zone 3** includes the work value range(s) of 1300 and above.
- (2) The assessed work value in respect of a Chief Executive or Executive is the work value obtained by applying the job evaluation methodology set out in the independent job evaluation methodology approved by the CPA.

- (3) The total remuneration point in table 38, column 2 is found by the number assigned to the range of assessed work value in column 1.

**Table 38**

<b>column 1</b> <b>Range of Assessed</b> <b>Work Value</b>	<b>column 2</b> <b>Total Remuneration</b> <b>Point</b>	<b>column 3</b> <b>Remuneration Zone</b>
680 - 735	1.1	<b>Zone 1 (680-899)</b>
736 - 791	1.2	1.1 680-735
792 - 899	1.3	1.2 736-791
		1.3 792-899
900 - 1000	2.4	<b>Zone 2 (900-1299)</b>
1001 - 1200	2.5	2.4 900-1000
1201 - 1299	2.6	2.5 1001-1200
		2.6 1201-1299
1300 - 1488	3.7	<b>Zone 3 (1300 +)</b>
1489 - 1679	3.8	3.7 1300-1488
1680 - 1870	3.9	3.8 1489-1679
1871 - 2061	3.10	3.9 1680-1870
2062 - 2249	3.11	3.10 1871-2061
2250 +	3.12	3.11 2062-2249
		3.12 2250+

## **39 Movements in Remuneration Zone**

In accordance with the Act, section 28AA (2) (b) and section 72A (2) (b), a variation to a contract may increase the remuneration payable to a Chief Executive or Executive where—

- (a) there has been an increase in job responsibilities; and

- (b) a work value assessment sets a higher total remuneration point for the position than an earlier work value assessment for that position; and
- (c) where one of the following circumstances apply:
  - (i) the movement is within total remuneration points set under Zone 1; or
  - (ii) the movement is within total remuneration points set under Zone 2; or
  - (iii) the movement is not more than two total remuneration points under Zone 3.

#### **40           Circumstances where work value assessment not required**

- (1) The Commissioner may waive the requirement for an independent job evaluation if:
  - (a) a person is to perform the duties of an executive office under the Act, section 76 and the Commissioner determines the waiver to be in the interests of the Service; or
  - (b) a chief executive office has been created in a newly established administrative unit and a person is to perform the duties of a chief executive office under the Act, section 30.
- (2) Where the Commissioner approves a waiver of the requirement for an independent job evaluation, the Commissioner will determine the remuneration point for the office.

#### **41           Performance Management**

All Chief Executives and Executives must participate in an annual review of performance.

## **42 Superannuation**

- (1) This section applies to:
- (a) any person engaged under a contract as a chief executive or executive, on and from 1 July 2006; but
  - (b) does not apply to any person:
    - (i) who is an existing Commonwealth Superannuation Scheme (CSS) or Public Sector Superannuation Scheme (PSS) member; or
    - (ii) who was engaged or appointed under the Act before 30 June 2006, where the subsequent engagement as a chief executive or executive would be continuous with employment commenced before 30 June 2006; or
    - (iii) who was engaged or appointed to the Territory under Territory legislation before 30 June 2006, where the subsequent engagement as a chief executive or executive would be continuous with employment commenced before 30 June 2006.
- (2) The value of the employer's superannuation contribution is to be contributed on behalf of the chief executive or executive to an agreed superannuation fund nominated by the chief executive or executive and is:
- (a) 9% of the chief executive or executive's remuneration; or
  - (b) 10% of the chief executive or executive's remuneration, if the chief executive or executive contributes 3% or more of his or her remuneration to the agreed superannuation fund nominated by the chief Executive or executive in the form of personal superannuation contributions.

- (3) The employer must contribute any nominated amount on behalf of the chief executive or executive to an agreed superannuation fund nominated by the chief executive or executive.
- (4) This amount is the personal superannuation contributions of the chief executive or executive to the nominated superannuation fund.
- (5) The value of the employer's superannuation contribution must not be paid in cash to a chief executive or executive.

**43 Clerk of the Legislative Assembly**

- (1) For the purposes of the Act, section 47 (1), the leave provisions for the Clerk of the Legislative Assembly are the same as those of a Chief Executive.
- (2) In accordance with the Act, section 47 (2), this excludes the remuneration and allowances payable to the Clerk in respect of his or her leave of absence.

## **Part 3.2                      Entry and Advancement**

### **44                      Interpretation—pt 3.2**

In this part:

*press advertising* means advertising a vacancy in a newspaper or other published media in a way that meets the requirements of the Act, section 65.

### **45                      Conditions of entry and advancement**

- (1) The relevant Chief Executive is responsible for the recruitment and selection of officers for all classifications.
- (2) The following programs are declared in this part to be approved programs under the Act, section 65 (3):
  - (a) the Aboriginal Cadetship program;
  - (b) the Aboriginal Technical Traineeship program;
  - (c) the Graduate Administrative Assistant (Indigenous Employment) program;
  - (d) the ASO (Aboriginal Services) Class 1 program;
  - (e) Equal Employment Opportunity Programs under part 3.11.
- (3) Each of the following schemes is a prescribed scheme for the purpose of the Act, section 109:
  - (a) Equal Employment Opportunity Programs under part 3.11;
  - (b) New Apprenticeships;
  - (c) Sports Enhancement Program.



## **46 Advertising**

- (1) A permanent vacancy must be advertised in the gazette except where the vacancy is to be filled by—
    - (a) transfer; or
    - (b) promotion of an applicant selected on merit to a recurring or identical vacancy; or
    - (c) promotion by advancement from a training office; or
    - (d) appointment of an applicant who has been previously assessed as suitable for the advertised duties, and is the next recommended applicant on the order of merit, within a reasonable period of the advertisement of the duties; or
    - (e) appointment, transfer or promotion of an applicant under an Equal Employment Opportunity Program under part 3.11.
- Note* An Equal Employment Opportunity Program position is notified or advertised but the communication methods may differ from gazette advertising (see pt 3.11).
- (2) If mandatory qualifications are set in the Standards as Eligibility Requirements for appointment, promotion or transfer to particular classifications, the advertisement must include this advice.
  - (3) Only applicants with those qualifications are eligible to apply.

## **47 Eligibility**

- (1) For the purposes of the Act, section 68 (2) (b), '*permanent resident of Australia*' includes New Zealand citizens who reside in Australia and who hold a Special Category temporary residence visa (SCV).

- (2) All permanent vacancies advertised in the gazette are open to all Australian Citizens or permanent residents of Australia except where—
- (a) a former officer is restricted from re-employment under the Act, section 114; or
  - (b) the Chief Executive has decided that because of cost or operational efficiency a vacancy should be advertised as open only to permanent officers and groups with *eligibility rights*. Restricted positions will be marked ♣.
- (3) Groups with *eligibility rights* are—
- (a) an officer of the Australian Public Service (APS) applying for appointment (see the Act, section 115); or
  - (b) a former officer of the APS or ACTPS who resigned on or after 2 August 1990 if—
    - (i) they resigned to rear a child, after taking at least three months maternity or parental leave; and
    - (ii) they resigned within two years of the date of birth of the child for which the period of maternity leave was granted; and
    - (iii) the position for which they are applying is advertised in the gazette within six years from the date of the birth of the child for which the maternity or parental leave was granted; and
    - (iv) they have a statement from the relevant Chief Executive of the details of their resignation which was obtained at the time of resignation;
  - (c) an ‘officer’ of an approved organisation listed in part 5.6 (Mobility with Approved Organisations), employed on other than a temporary basis, applying for appointment; or

- (d) a temporary employee who has been employed by the ACTPS in one position for six months continuously, may apply for appointment to an advertised vacancy—
  - (i) if still employed in that temporary position; and
  - (ii) the six months eligibility period is reached before the applications close.

#### **48 Tests and examinations**

- (1) A Chief Executive in consultation with the Commissioner may arrange for testing of applicants for appointment to the ACT Public Service by an outside agency or make other suitable arrangements.
- (2) The Commissioner may approve testing and/or examinations for specified officers to establish an order of merit for appointment, promotion or transfer.

## **Part 3.3                      Merit and the recruitment process**

### **49                      Application—pt 3.3**

This part applies to the selection of an officer or temporary employee and to agencies in which employment is undertaken under the provisions of the Act, part 5.

### **50                      Merit in selection**

- (1) To ensure that a selection is based on merit as set out in the Act, section 65 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.
- (2) 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 3.4.
- (3) Recruitment and selection arrangements may be modified in accordance with the Equal Employment Opportunity Program set out in part 3.11.

*Note*      Recruitment and selection arrangements may also be modified in accordance with the principle of reasonable adjustment under anti-discrimination laws.

## **Part 3.4                      Selection process**

### **51                      Application—pt 3.4**

This part applies to the selection of an officer or temporary employee and to agencies in which employment is conducted under the provisions of the Act, part 5.

### **52                      Competitive selection process**

- (1) A ‘competitive selection process’ involves—
  - (a) advertising; and
  - (b) written applications addressing all parts of the selection criteria; and
  - (c) shortlisting of applications – this may involve using referee comments to assist in shortlisting; and
  - (d) assessment process using applications and any other formal assessment method such as interviews, psychometric testing, practical skills testing, referee comments and so forth; and
  - (e) written selection report to delegate; and
  - (f) delegate approval of process and merit based decision.
- (2) A competitive selection process may be modified where filling a position under an Equal Employment Opportunity Program in part 3.11.

**53        Recurring and Identical vacancies**

- (1) The Act, section 83 (2) enables a Chief Executive, in prescribed circumstances, to promote an officer to an unadvertised vacancy. The circumstances are—
  - (a) if a person selected for an advertised position does not take up duty, the Chief Executive may appoint, promote or transfer the next ranked suitable applicant; or
  - (b) if an advertised position recurs, or an identical position becomes vacant, soon after selection for an advertised position has been completed, and the next ranked suitable applicant is recommended for promotion, the Chief Executive may promote that person—
    - (i) to a recurring or identical vacancy - if the promotion is appealable, only within six months of advertising; or
    - (ii) to a recurring vacancy only - if the promotion is a non-appealable promotion, within a reasonable time.
- (2) The Commissioner may agree, under special circumstances, to extend beyond six months the period for a recommendation for promotion to a recurring or identical vacancy if the promotion is appealable.

## Part 3.5 Use of joint selection committees

### 54 Application—pt 3.5

This part applies to a selection process undertaken by a Joint Selection Committee.

### 55 Interpretation—pt 3.5

In this part:

*Convenor* means the chairperson of a committee.

*JSC* means a Joint Selection Committee.

*management-initiated JSC* means a JSC convened under the Act, section 89.

*principal union* for the purposes of the Act, section 88 and section 89, means the union whose membership includes the largest number of officers occupying positions of the class to which a promotion or transfer is to be made.

*relevant staff organisation* is referred to in this part as a union.

*union agreed JSC* means a JSC convened under the Act, section 88.

### 56 Provision in the Public Sector Management Act

- (1) The Act, section 88 and section 89 provide for Joint Selection Committees to conduct selections and make recommendations for promotion and transfer.
- (2) A JSC is empowered only to make recommendations to Chief Executives about the filling of advertised vacancies (see the Act, section 88 (2) and section 89 (2)).

- (3) A union agreed JSC, convened under the Act, section 88, is a JSC that a union has agreed to establish and provide with a union nominee.
- (4) A management-initiated JSC, convened under the Act, section 89, does not require union agreement to be established but may only be used in circumstances which have been prescribed in these Standards after consultation with the union.
- (5) The prescribed circumstances are listed in this part.
- (6) A Chief Executive should use JSCs to reduce the time and cost of filling vacancies for promotion or transfer.
- (7) Subject to this part a promotion made on the recommendation of a JSC under the Act, section 88, or a unanimous recommendation under the Act, section 89, is not appealable because of the independent tripartite nature of the committee.
- (8) Under the Act, section 88 (6) and section 89 (4) a JSC is an independent committee and consists of—
  - (a) a Convenor nominated by the Director of the MPRA; and
  - (b) a person nominated by the Chief Executive of the agency; and
  - (c) under the Act, section 88, a person nominated by the principal union or, under the Act, section 89, a person nominated by the principal union if that union nominates a person within fourteen days of notice being given to the union.
- (9) Under the Act, section 88 (7), a JSC selecting teachers consists of—
  - (a) a Convenor nominated by the Chief Executive; and
  - (b) two or three other people appointed by the Chief Executive with the agreement of the principal union.
- (10) A Chief Executive should use JSCs to fill bulk vacancies with similar or identical duties.



- (11) The minimum number of vacancies considered by a JSC is 5, unless a Chief Executive and a principal union agree to a lower number.
- (12) The procedures for establishing both types of JSCs and the process by which they make recommendations and decisions are different.
- (13) Advertising and selection procedures are generally the same.
- (14) Under the Act, section 88 (4) (a) and section 89 (3) (b) the Director of the MPRA may determine which is the principal relevant staff organisation in a particular case.

**57      Formation of union agreed JSCs under the Act, s 88**

- (1) A Chief Executive must consult with the principal union to establish how JSCs will be implemented in an agency.
- (2) A Chief Executive must notify the principal union and any other relevant union or unions of a proposal to establish a union agreed JSC.
- (3) The notification should—
  - (a) identify positions to be filled and the number of vacancies; and
  - (b) seek union agreement and the name of a nominee for the JSC; and
  - (c) in the case of a union that is not the principal union, include a statement to the effect that the union can give written notice that it objects to the proposal provided it does so within seven days.
- (4) A Chief Executive should notify the Director of the MPRA of proposals for a JSC at the same time as notifying unions.
- (5) If a principal union does not consent to the establishment of the JSC or a relevant union objects within seven days the JSC proposal cannot proceed.

- (6) Under the Act, section 88 (11), if a member ceases to take part before the JSC makes its recommendations, the JSC will be reconstituted.
- (7) The JSC will then comprise the remaining members and a replacement from the body whose nominee has ceased to take part.

## **58 Formation of management-initiated JSCs under Act, s 89**

- (1) A management-initiated JSC must not be used to fill an office by transfer or promotion except in the following circumstances:
  - (a) in accordance with this part;
  - (b) consistent with arrangements, where there is to be prior consultation at agency level on the use of JSCs in that agency with the relevant union over implementation details.
- (2) Under the Act, section 89 (3) (b) a Chief Executive must notify the principal union when they intend to fill positions using a management-initiated JSC.
- (3) The notice must invite the principal union to nominate a member of the JSC within fourteen days if it wishes to participate.
- (4) The Director of the MPRA should be informed at the same time.
- (5) A relevant Chief Executive should provide both the union and the Director with details of vacancies and related selection documents.
- (6) If a JSC is formed it should discuss with the relevant Chief Executive the procedures it wishes to adopt, the information that needs to be available to applicants and when the vacancies should be advertised.

- (7) Under the Act, section 89 (9), (10) and (11) if a member of a management-initiated JSC ceases to act as a member, they should be replaced as follows:
- (a) if the Convenor ceases to take part in the Committee's deliberations, the MPRA must nominate another Convenor (the Act, section 89 (9));
  - (b) the Chief Executive may nominate another person as their nominee within fourteen days of their nominee ceasing to act (the Act, section 89 (10));
  - (c) the union may nominate another person as its nominee within fourteen days of being notified by the Chief Executive that its nominee has ceased to take part (the Act, section 89 (11));
  - (d) if either the Chief Executive or union fails to nominate another person within fourteen days of being notified, the Committee is reconstituted by the remaining members.

**59 Union nominees on both types of JSCs under Act, s 88 and s 89**

- (1) An officer is on duty for all purposes while serving on a JSC.
- (2) If an officer is selected as a union nominee on a JSC, the relevant Chief Executive should provide relief staffing as necessary for the officer.
- (3) A Chief Executive is responsible for establishing appropriate training in selection techniques and JSC procedures for union nominees who are officers in their agency.
- (4) A union nominee who was acting in a higher level position immediately prior to the formation of the JSC, and who would have continued to act, is entitled to receive higher duties allowances while performing work relevant to a JSC.

- (5) A Chief Executive must ensure that a union nominee on a JSC makes their recommendations without pressure and that their service on a JSC is not a disadvantage to them.

## **60 Notification of vacancies under Act, s 88 and s 89**

- (1) A JSC should review duty statements, job descriptions and selection criteria to ensure that applicants have accurate and relevant information on applications.
- (2) If these are not satisfactory, the JSC may recommend re-advertising the vacancy.
- (3) Vacancy notifications in the gazette should include information to the following effect:
  - (a) the positions are to be considered by a Joint Selection Committee formed under the Act, section 88 or section 89, as relevant;
  - (b) the JSC consists of nominees as set out in the Act, section 88 (6), (7) and 89(4);
  - (c) promotions made on the recommendation of a JSC under the Act, section 88 (9) are not subject to appeal;
  - (d) promotions made on the unanimous recommendation of a JSC formed under the Act, section 89 (5) are not subject to appeal.
- (4) A Commonwealth officer selected for appointment is appointed under the Act, section 115. This includes an officer appointed on a JSC recommendation.

## **61 Union agreed JSC promotions under Act, s 88**

- (1) A JSC should seek to resolve any significant differences of opinion about the suitability of applicants.

- (2) If the members of a union agreed JSC do not agree on the recommendations to be made, under the Act, section 88 (12) (a), the advice of the majority of the members of the JSC becomes the advice of the JSC. This does not apply to a teaching office.
- (3) Under the Act, section 88 (12) (b), if neither a unanimous nor a majority decision can be reached, the advice of the Convenor becomes the advice of the JSC. This does not apply to a teaching office.
- (4) Under the Act, section 88 (13) (a) if a JSC is divided on the advice it will give the decision-maker on teaching vacancies, the advice of the majority of the JSC is taken to be the advice of the JSC.
- (5) Under the Act, section 88 (13) (b) if a committee is equally divided, the advice of the Convenor is taken to be the advice of the JSC.
- (6) Under the Act, section 88 (13) (c) if two members are of the same opinion and the rest of the committee is divided, the advice of the two members who agree is taken to be the advice of the JSC.
- (7) If a JSC is reconstituted after one of its original members ceases to take part, it may continue to use information collected and recommendations made by the previous JSC.
- (8) Under the Act, section 88 (9), a promotion made in accordance with a JSC's advice is not subject to appeal and should be notified in the gazette with a footnote to the following effect:

*The above promotions have been made under the Public Sector Management Act 1994, section 88 on the recommendation of a union agreed Joint Selection Committee and are not subject to appeal.*

- (9) If a Chief Executive promotes an officer who was not recommended by the union agreed JSC, the gazette notice should be to the effect that:

*The above position was advertised as a vacancy to be filled under the Public Sector Management Act 1994, section 88. However, this promotion has been made under the normal promotion provisions of section 83 and is subject to appeal.*

## **62 JSC promotions under Act, s 89**

- (1) A promotion made in accordance with the unanimous advice of a management-initiated JSC constituted under the Act, section 89 (1) are not subject to appeal and should be notified in the gazette with a footnote to the following effect:

*This promotion has been made under the Public Sector Management Act 1994, section 89 (1) on the recommendation of a management-initiated Joint Selection Committee and is not subject to appeal.*

- (2) If a Chief Executive promotes an officer who was not unanimously recommended by the management-initiated JSC, the gazette notice should include a note to the following effect:

*This promotion was advertised as a vacancy to be filled under the Public Sector Management Act 1994, subsection 89(1). However, this promotion has been made under the normal promotion provisions of section 83 and is subject to appeal.*

## **63 Transfers and promotions under Act, s 88 and s 89**

- (1) An officer may be transferred or promoted on the recommendation of a JSC.

- (2) The normal transfer provisions of the Standards apply to the advice of a JSC, except where they are inconsistent with the provisions for a JSC in the Act.
- (3) After the completion of a JSC recommended selection a Chief Executive should advise all applicants in writing as soon as practicable, including details of—
  - (a) those officers who were promoted under the Act, section 88 and section 89; and
  - (b) any officers who were promoted under the Act, section 83; and
  - (c) the date of the gazette in which the promotions are expected to appear.

## **Part 3.6 Appointment**

### **64 Application—pt 3.6**

- (1) This part applies to the appointment of a person as an officer in the ACTPS, including the appointment of Commonwealth officers, as set out in the Act, divisions 5.3, 5.4 and 5.8.
- (2) This part does not apply to the re-appointment of officers under the Act, section 117 and section 118.

### **65 Appointment**

- (1) Subject to the Act, section 68 and this part, a Chief Executive has the power to appoint a person to an office or unattached, if they are satisfied that the person—
  - (a) is eligible to apply for the position; and
  - (b) is qualified for the position.
- (2) If two applicants for appointment are assessed as equal, and one is a returned soldier, the returned soldier must be appointed.
- (3) If a returned soldier suffering/having physical defects due to service by virtue of which he or she is a returned soldier, they may be appointed, providing a medical examination confirms their physical defects will not prevent them from performing the duties of the position to which they have been appointed.
- (4) The date of effect of appointment of an officer, except for a teacher appointed from a state teaching service, or immediately after teacher training, or a person appointed from the APS under mobility provisions, is the latest of the following dates—
  - (a) the date on which the officer commences duty;
  - (b) the date the instrument is signed;



- (c) a date within a period specified on the instrument.
- (5) If an officer is appointed while on specified defence service, the date of effect of appointment is the date specified on the instrument.

## Part 3.7                      Recognition of previous employment

### 66                      Interpretation—pt 3.7

In this part:

*officer* includes an employee.

*public authority* means employment recognised under section 416 or section 417.

### 67                      Recognition of prior service before 23 January 2006

- (1) For the purposes of this section, officer includes—
  - (a) a statutory office holder; and
  - (b) a person employed by a territory instrumentality or by a statutory officer holder;where the person is covered by the Act, part 7 (Long Service Leave) or part 8 (Maternity Leave).
- (2) Notwithstanding anything else in these Standards, a person who was an officer immediately before 23 January 2006 is entitled to have previous employment recognised as prior service for any purpose, if that previous employment would have been recognised as prior service for that purpose under the Standards as in force immediately before 23 January 2006.

### 68                      Continuity of employment

- (1) A period of employment with a public authority followed by a break of more than two months, which is not an approved absence, does not count towards the accrual of personal leave.
- (2) This period may be extended if exceptional circumstances exist.

**69 Continuity not broken on re-appointment**

The period between resignation or dismissal and re-appointment is considered to be leave without pay which does not break continuity of employment if an officer—

- (a) resigned to contest an election, failed to be elected and was re-appointed; or
- (b) was dismissed, appealed against dismissal, and was re-appointed as a result of the appeal.

**70 Continuity not broken by period of prescribed full time training**

- (1) Full-time training, as prescribed in this part, for a maximum of twelve months between leaving employment and re-employment with the ACTPS does not break continuity for long service leave purposes.
- (2) Full-time training, as prescribed in this part, for a maximum of two months between leaving and re-employment with the ACTPS does not break continuity for personal leave purposes.

**71 Continuity not broken by resignation before 18 November 1966 due to marriage**

- (1) If an officer resigned before 18 November 1966 under the *Public Service Act 1922* (Cwlth) (repealed), section 49 ('*marriage bar*' provisions), the period between resignation and later employment with an approved organisation or the ACTPS does not break continuity for personal leave purposes.
- (2) On re-appointment an officer must be credited with the unused personal leave credit accrued when they resigned.

**72 Employment in Papua New Guinea**

- (1) Previous public employment in Papua New Guinea before and after Independence on 16 September 1975 is recognised as employment with an approved organisation.
- (2) To qualify, the period of employment must have been continuous, immediately before and after Independence.

**73 Prescribed training**

For the purposes of the Act, section 155 (3), a prescribed course of full time training is any course that fits the requirements of the *Long Service Leave (Commonwealth Employees) Act 1976* (Cwlth), section 12 (6).

**74 Recognition of previous employment for redundancy**

- (1) If a Commonwealth officer is appointed to the ACTPS, their Commonwealth service counts towards their entitlement to leave and special benefits for the purposes of redundancy.
- (2) If an earlier period of service was with the APS and ceased because the person was deemed to have resigned from the APS on marriage under the *Public Service Act 1922* (Cwlth) (repealed), section 49, that service counts, together with the latest period of continuous service, towards an officer's entitlement for the purposes of redundancy.
- (3) If an employee of an approved organisation listed in part 5.6 (Mobility with approved organisations) is appointed to the ACTPS in accordance with that part, their service with the approved organisation counts towards their entitlement to leave and special benefits for the purposes of redundancy.

**75 Commissioner discretion for recognition of prior service**

- (1) The Commissioner may approve, in writing, on a case-by-case basis, recognition of previous employment as prior service for any entitlement affected by the length of service in the ACTPS, where—
  - (a) the previous employment would otherwise not count as prior service under the Act or Standards; and
  - (b) at the time of the previous employment, the employment was predominately for a public purpose.
- (2) In exercising this discretion, the approval must state the entitlement(s) for which prior service is recognised.

*Note* Prior service may be recognised for a variety of entitlements including the accrual of long service leave, redundancy and eligibility for paid maternity leave.

## **Part 3.8                      Re-appointment**

### **76                      Application—pt 3.8**

This part applies to former officers seeking re-appointment under the provisions of the Act, section 117 and section 118.

### **77                      Re-appointment process**

- (1) An officer who is re-appointed as a result of an appeal or review against dismissal or after resigning to contest an election must be paid at the salary point that applied when they resigned or were dismissed.
- (2) Following successful appeal, or applications for re-appointment, the officer must be re-appointed without probation, unless they were on probation at the time of dismissal or resignation.
- (3) Probation will continue from the date of re-appointment as if there was no break.
- (4) The date of effect of a re-appointment of an officer under the provisions of this part is the later of—
  - (a) the date the instrument of re-appointment is made; or
  - (b) the date the officer re-commences duty.
- (5) On re-appointment of an officer under the provisions of this part, the period between the officer's dismissal, retirement or resignation is considered to be leave without pay, and the officer's service is considered to be continuous.

## Part 3.9 Temporary employment

### 78 Application—pt 3.9

This part does not apply to chief executives, executives or persons appointed, engaged, transferred or promoted under an Equal Employment Opportunity Program under part 3.11.

*Note* Elements of the Equal Employment Opportunity Program are detailed at pt 3.11.

### 78A Interpretation—pt 3.9

In this part:

***temporary employee register*** means a register of people interested in temporary employment, for a period of up to 12 months, with the ACTPS.

### 79 Temporary Employee Registers

- (1) The Administering Chief Executive as defined in the *Public Sector Management Act 1994* may:
  - (a) approve the establishment of an ACTPS temporary employee register; and
  - (b) specify, where not otherwise provided by this part, requirements on the establishment of an ACTPS temporary employee register.
- (2) A chief executive may establish a temporary employee register in the relevant administrative unit.
- (3) A temporary employee register may be established after advertising the duties, or range of duties, and classifications which may be available to applicants.

**80 Advertising temporary employment**

- (1) The possibility of temporary work must be made known by—
  - (a) advertising a particular vacancy as it arises; or
  - (b) advertising the existence of a temporary employee register; or
  - (c) lodging a vacancy with an employment agency.
- (2) The existence of a temporary employee register must be advertised at least every 12 months.

**81 Selection of employees**

- (1) A temporary employee must be selected from—
  - (a) a field of applicants for a vacancy; or
  - (b) a temporary employee register; or
  - (c) a field of applicants provided by an employment agency.
- (2) A temporary employee must be selected on the basis of their relative efficiency, having regard to their—
  - (a) abilities; and
  - (b) qualifications; and
  - (c) experience; and
  - (d) availability to perform the work on the basis required, including:
    - (i) on a full time or part time basis; and
    - (ii) at the relevant location.



## **Part 3.10                      Structure and classification standards**

### **Division 3.10.1            General**

#### **82                      Application—pt 3.10**

This part applies to all offices and training offices.

#### **83                      Classification descriptions**

Positions must be classified with reference to the applicable work level standards.

#### **84                      Qualifications and other entry conditions including remuneration**

- (1) 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 division 3.10.2 and division 3.10.3.
- (2) Division 3.10.4 provides for remuneration and other conditions of independent reviewers as defined in section 241.

#### **85                      Training offices**

For the purposes of the Act, section 98, training offices are those specified in division 3.10.2.

#### **86                      Salary and accelerated advancement provisions**

- (1) An officer occupying an office with a classification specified in division 3.10.2 or division 3.10.3, who satisfies the set conditions, must be paid at the rate determined in the scale of rates of salary from the date on which the condition was met.

- (2) If a rate of salary is payable for a level of qualification for a classification in division 3.10.3, an officer with that classification meeting the prescribed conditions must be paid at that rate.

## **87 Aboriginal Cadetship Program**

For the purposes of the Act, section 65 (3) the following classifications listed in division 3.10.2 are included in the Aboriginal Cadetship Program:

- (a) Aboriginal Cadet Economist;
- (b) Aboriginal Cadet Information Technology Officer;
- (c) Aboriginal Cadet Legal;
- (d) Aboriginal Cadet Professional Officer;
- (e) Aboriginal Cadet Professional Officer (Engineer);
- (f) Aboriginal Cadet Research Scientist;
- (g) Aboriginal Cadet Veterinary Officer;
- (h) Aboriginal Cadet Professional Assistant.

## **88 Aboriginal Technical Traineeship Program**

For the purposes of the Act, section 65 (3) the following classifications listed in division 3.10.2 are included in the Aboriginal Technical Traineeship Program:

- (a) Aboriginal Radiographer-in-Training;
- (b) Aboriginal Trainee Technical Officer.

**89 Graduate Administrative (Indigenous Employment) Program**

For the purposes of the Act, section 65 (3) the classification of Graduate Administrative Assistant (Indigenous Employment) listed in division 3.10.3 is included in the Graduate Administrative (Indigenous Employment) Program.

**90 Administrative Service Officer (Aboriginal Services) Class 1 Program**

For the purposes of the Act, section 65 (3) the classification of Administrative Service Officer (Aboriginal Services) Class 1 listed in division 3.10.3 is included in the Administrative Service Officer (Aboriginal Services) Class 1 Program.

**Division 3.10.2 Qualifications and training advancement for training offices**

**Subdivision 3.10.2.1 Aboriginal Cadet Economist**

**91 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is willing and eligible to undertake a course of training for advancement to Research Officer, Grade 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (3) The person is undertaking or eligible to undertake an approved degree in Economics at an Australian University.

**92 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.

- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability, having regard to experience, interview performance, referee reports and academic qualifications, including the extent to which the specified course has been completed.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference is given to those applicants with less academic study to complete.

### **93 Training Provisions**

Cadets must undertake a course of full-time academic study qualifying for a degree with Honours in Economics.

### **94 Advancement**

On successful completion of the course of training, Aboriginal Cadet Economists will be advanced to Research Officer, Grade 1.

## **Subdivision 3.10.2.2 Aboriginal Cadet Information Technology Officer**

### **95 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is willing and eligible to undertake a course of training for advancement to Information Technology Officer, Class 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.

- (3) The person is either—
- (a) eligible to undertake an associate diploma at a Technical and Further Education (TAFE) institution or an Australian tertiary institution; or
  - (b) undertaking or eligible to undertake an approved degree in Computing/Information Science; or
  - (c) graduates who are undertaking or are eligible to undertake an approved graduate diploma course in Computing Science.

## **96 Selection requirements**

- (1) The suitability of each applicant will be determined in the following way:
- (a) an initial assessment of suitability will be made on the basis of information provided on the application form;
  - (b) applicants regarded as suitable for further consideration will be required to undertake an aptitude test. The most suitable applicants, determined on the basis of scores achieved at the test, will then be interviewed.
- (2) At interview the selection committee will assess applicants' ability to complete the course of training satisfactorily, and their relative suitability having regard to qualifications, experience, performance at the aptitude test and communication skills.
- (3) Offers of appointment, promotion or transfer will be made to applicants assessed as suitable by a departmental selection committee, in order of merit based on scores achieved at an aptitude test.

**97 Training provisions**

Cadets must undertake a course of full-time study qualifying for an associate diploma in Computer Science from an approved Technical and Further Education (TAFE) institution or an Australian tertiary institution; for a pass degree in Computing/Information Science; or for a graduate diploma in Computing or Information Science.

**98 Advancement**

On successful completion of the course of training, Aboriginal Cadet Information Technology Officers will be advanced to Information Technology Officer, Class 1.

**Subdivision 3.10.2.3 Aboriginal Cadet Legal**

**99 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake an approved course of practical legal training for advancement to Legal 1.

**100 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on reports of a departmental selection committee.

**101 Training Provisions**

- (1) Cadets must undertake a course of study leading to admission as a practitioner of the Supreme Court of an Australian State or Territory.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have completed part of the required course of study, the period of training may be reduced.

**102 Advancement**

On successful completion of the course of training, Aboriginal Cadets Legal will be advanced to Legal 1.

**Subdivision 3.10.2.4 Aboriginal Cadet Professional Officer**

**103 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake an approved course of training for a degree or diploma at an Australian tertiary institution in a professional discipline.
- (3) The person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.

**104 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.

- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **105 Training Provisions**

- (1) Cadets must undertake an approved course of full-time study qualifying for admission to a degree or diploma from an Australian tertiary institution, in an approved field of study.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have completed part of the required course of study, the period of training may be reduced.

### **106 Advancement**

On successful completion of the course of training, Aboriginal Cadet Professional Officers will be advanced to Professional Officer, Class 1.

### **Subdivision 3.10.2.5 Aboriginal Cadet Professional Officer (Engineer)**

#### **107 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.



- (2) In the case of appointment—
  - (a) the person is willing and eligible to undertake a course of training for advancement as Professional Officer, Class 1; and
  - (b) in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (3) In the case of promotion or transfer—
  - (a) the person is eligible to undertake a degree in Engineering which, in the opinion of the Chief Executive, is appropriate to the duties of the office; and a minimum of four years' technical or drafting experience or training; or
  - (b) the person has partially completed a degree in Engineering, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; and
  - (c) the person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (4) Only persons eligible to undertake an approved degree in Engineering in an Australian University can be considered.

## **108 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

## **109 Training Provisions**

- (1) Cadets must undertake an approved course of study leading to a degree in Engineering.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have already completed part of the required course of study, the period of training may be reduced.

## **110 Advancement**

On successful completion of the course of training, Aboriginal Cadet Professional Officers (Engineer) will be advanced to Professional Officer, Class 1.

### **Subdivision 3.10.2.6 Aboriginal Cadet Research Scientist**

## **111 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person—
  - (a) has partially completed an approved course of study for a degree of Doctor of Philosophy in Science or Engineering; or
  - (b) is eligible to undertake an approved course of study for a degree of Doctor of Philosophy in Science or Engineering.
- (3) Applications can only be considered from—
  - (a) persons who are undertaking a degree of Doctor of Philosophy in Science, Engineering or other approved discipline in such fields as Physics, Mathematics, Electronics, Optics,

Aerodynamics, Chemistry, Computing, Marine Sciences, Metallurgy, or Materials Science at an Australian university; or

- (b) graduates who are eligible to commence a degree of Doctor of Philosophy in the above fields.

## **112 Selection arrangements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to experience, interview performance, referee reports and academic qualifications, including the extent to which the specified course has been completed.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

## **113 Training Provisions**

- (1) Cadets must complete an approved degree of Doctor of Philosophy in Science or Engineering.
- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) Where cadets have already completed part of the prescribed course of study, the period of training may be reduced.
- (4) Cadets may be required to undertake approved research, on-the-job, at a departmental establishment, as may be required to complete the Doctor of Philosophy qualification.

## **114 Advancement**

- (1) Following submission of a thesis, cadets will be employed as Scientific Officers pending the examination and approval of the thesis.
- (2) Subject to approval of the thesis, Aboriginal Cadet Research Scientists will be advanced to Research Scientist.

### **Subdivision 3.10.2.7 Aboriginal Cadet Veterinary Officer**

## **115 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is willing and eligible to undertake a course of training for advancement to Veterinary Officer, Class 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (3) Only persons who are undertaking, or who are eligible to undertake an approved course in Veterinary Science at an Australian tertiary institution shall be considered for appointment, promotion or transfer as Aboriginal Cadet Veterinary Officer.

## **116 Selection Requirements**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **117 Training provisions**

- (1) Cadets must undertake an approved course of study leading to a degree in Veterinary Science.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have already completed part of the required course of study, the period of training may be reduced.

### **118 Advancement**

On successful completion of the course of training, Aboriginal Cadet Veterinary Officers will be advanced to Veterinary Officer, Class 1.

## **Subdivision 3.10.2.8 Aboriginal Professional Assistant**

### **119 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake an approved degree of Bachelor of Laws in an Australian tertiary institution.

### **120 Selection**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.

- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

## **121 Training Provisions**

- (1) Aboriginal Professional Assistants must undertake an approved course of study leading to a degree in Laws.
- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) Where officers have already completed part of the required course of study, the period of training may be reduced.

## **122 Advancement**

On satisfactory completion of the course of training Aboriginal Professional Assistants will be advanced to Legal 1.

## **123 Salary Advancements**

- (1) An officer must not be advanced to a salary rate exceeding the third salary point in the scale unless the officer has passed in all subjects required for the completion of the first year and second year of a four year or five year course for a degree in Laws of an Australian tertiary institution.
- (2) Where the salary payable to the officer on appointment, promotion or transfer to the office exceeds the third salary point in the scale, the officer must not be advanced to a salary exceeding that which was payable on appointment, promotion or transfer to the office unless he or she has complied with the conditions specified in subsection (1).

- (3) An officer, who has complied with the conditions specified in subsection (1) is entitled to be advanced to—
  - (a) salary at the fourth salary point in the scale; or
  - (b) where the salary payable to the officer on appointment, promotion or transfer exceeds the fourth salary point in the scale—salary at that higher rate.
- (4) An officer must not be advanced to a salary exceeding the fifth salary point in the scale, unless the officer has passed in all subjects required for the completion of the first year, second year, and third year of a four year or five year course for a degree in Laws of an Australian tertiary institution.
- (5) Where the salary payable to the officer on appointment, promotion or transfer to the office, exceeds the fifth salary point in the scale, the officer must not be advanced to a salary exceeding that which was payable on appointment, promotion or transfer to the office unless he or she has complied with the conditions specified in subsection (4).
- (6) An officer, who has complied with the conditions specified in subsection (5), is entitled to be advanced to—
  - (a) salary at the sixth salary point in the scale, or
  - (b) where the salary payable to the officer on appointment, promotion or transfer exceeds the sixth salary point in the scale—salary at that higher rate.

### **Subdivision 3.10.2.9 Cadet Economist**

#### **124 Eligibility Requirements**

- (1) The person is willing and eligible to undertake a course of training for advancement to Research Officer, Grade 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.

- (2) Only persons undertaking or eligible to undertake an approved degree in Economics at an Australian university should be considered for appointment, promotion or transfer as Cadet Economist.

## **125 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to experience, interview performance, referee reports and academic qualifications, including the extent to which the specified course has been completed.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

## **126 Training Provisions**

Cadets must undertake a course of full-time academic study qualifying for a degree with Honours in Economics.

## **127 Advancement**

On successful completion of the course of training, Cadet Economists will be advanced to Research Officer, Grade 1.

## **Subdivision 3.10.2.10 Cadet Information Technology Officer**

### **128 Eligibility Requirements**

- (1) The person is willing and eligible to undertake a course of training for advancement to Information Technology Officer, Class 1 and, in



the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.

- (2) Applications should only be considered from people who are—
  - (a) eligible to undertake an associate diploma at a TAFE institution or an Australian tertiary institution; or
  - (b) undertaking or who are eligible to undertake an approved degree in Computing/Information Science; or
  - (c) graduates who are undertaking or are eligible to undertake an approved graduate diploma course in Computing Science.

## **129 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

## **130 Training Provisions**

- (1) Cadets must undertake a course of full-time study qualifying for an associate diploma in Computer Science from an approved TAFE institution or an Australian tertiary institution; for a pass degree in Computing/Information Science; or for a graduate diploma in Computing/Information Science.

- (2) Cadets must work in their employing department during vacations and for such additional periods as may be required to complete the specified course of study. Where full-time courses are not available, cadets must undertake such part-time courses as will enable them to complete the academic requirements.

### **131 Advancement**

On successful completion of the course of training, Cadet Information Technology Officers will be advanced to Information Technology Officer Class 1.

### **Subdivision 3.10.2.11 Cadet Legal**

#### **132 Eligibility Requirements**

Successful completion of the first year of a four year course of Bachelor of Laws or the first two years of a five year degree of Bachelor of Laws of an Australian tertiary institution.

#### **133 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Referee reports may be a sensitive issue for outside applicants and they should be assured that references from current employers will not be sought unless they agree or there is a high possibility of selection.
- (4) Successful applicants are appointed, promoted or transferred in order of merit based on reports of a departmental selection committee.

## **134 Training Provisions**

- (1) Cadets must undertake an approved course of study leading to admission as a practitioner of the Supreme Court of an Australian State or Territory.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have completed part of the required course of study, the period of training may be reduced.
- (4) Cadets must work in their employing department during vacations.

## **135 Advancement**

On successful completion of the course of training, Cadet Legals will be advanced to Legal 1.

## **Subdivision 3.10.2.12 Cadet Professional Officer**

### **136 Eligibility Requirements**

- (1) The person is eligible to undertake a course of training for a degree or diploma at an Australian tertiary institution in a professional discipline, which, in the opinion of the Chief Executive is appropriate to the duties of the office.
- (2) The person is willing to undergo a course of training for advancement to Professional Officer, Class 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (3) Only persons who are eligible to undertake an approved degree or diploma at an Australian tertiary institution, in an approved field of study, should be considered for appointment, promotion or transfer as a Cadet Professional Officer.

### **137 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **138 Training Provisions**

- (1) Cadets must undertake an approved course of full-time study qualifying for admission to a degree or diploma from an Australian tertiary institution, in an approved field of study.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have completed part of the required course of study, the period of training may be reduced.

### **139 Advancement**

On successful completion of the course of training, Cadet Professional Officers will be advanced to Professional Officer, Class 1.

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### **Subdivision 3.10.2.13 Cadet Professional Officer (Engineer)**

#### **140 Eligibility Requirements**

- (1) In the case of appointment, the person is willing and eligible to undertake a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily; or
- (2) In the case of transfer or promotion the person must—
  - (a) be eligible to undertake an approved degree in Engineering; and
  - (b) have a minimum of four years' technical or drafting experience or training; or
  - (c) have partially completed a degree in Engineering, which, in the opinion of the Chief Executive, is appropriate to the duties of the office.
- (3) The person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the Chief Executive, is likely to successfully complete that course.
- (4) Only persons who are undertaking, or who are eligible to undertake an approved course in Engineering, should be considered for entry to this category.

#### **141 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.

- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

## **142 Training Provisions**

- (1) Cadets must undertake a course of study leading to a degree in Engineering.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have already completed part of the required course of study, the period of training may be reduced.
- (4) Cadets must work in departmental establishments during vacations and for such additional periods as may be required to complete the specified course of academic study.

## **143 Advancement**

On successful completion of the course of training, Cadet Professional Officer (Engineer)s will be advanced to Professional Officer, Class 1.

## **Subdivision 3.10.2.14 Cadet Research Scientist**

### **144 Eligibility Requirements**

- (1) The person has partially completed a course of study for a degree of Doctor of Philosophy in Science or Engineering; or
- (2) The person is eligible to undertake an approved course of study for a degree of Doctor of Philosophy in Science or Engineering.

- (3) The person is either—
- (a) undertaking a degree of Doctor of Philosophy in Science, Engineering or other approved discipline in such fields as Physics, Mathematics, Electronics, Optics, Aerodynamics, Chemistry, Computing, Marine Sciences, Metallurgy, or Materials Science at an Australian university; or
  - (b) a graduate who is eligible to commence a degree of Doctor of Philosophy in the above fields.

#### **145 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

#### **146 Training Provisions**

- (1) Cadets must undertake an approved degree of Doctor of Philosophy in Science or Engineering.
- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) Where cadets have already completed part of the required course of study, the period of training may be reduced.

- (4) Cadets may be required to undertake approved research, on-the-job, at a departmental establishment, as needed, to complete the Doctor of Philosophy qualification.

#### **147 Advancement**

- (1) Following submission of a thesis, cadets will be employed as Scientific Officers pending the examination and approval of the thesis.
- (2) Subject to approval of the thesis, Cadet Research Scientists will be advanced to Research Scientist.

#### **Subdivision 3.10.2.15 Cadet Veterinary Officer**

#### **148 Eligibility Requirements**

- (1) The person is willing and eligible to undertake a course of training for advancement as Veterinary Officer, Class 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (2) Only persons who are undertaking, or who are eligible to undertake an approved course in Veterinary Science should be considered for appointment, promotion or transfer as Cadet Veterinary Officer.

#### **149 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.



- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.
- (4) Where applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **150 Training Provisions**

- (1) Cadets must undertake an approved course of study leading to a degree in Veterinary Science.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) Where cadets have already completed part of the required course of study, the period of training may be reduced.

### **151 Advancement**

On satisfactory completion of the course of training, Cadet Veterinary Officers will be advanced to Veterinary Officer, Class 1.

## **Subdivision 3.10.2.16 Aboriginal Radiographer-in-training**

### **152 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is undertaking or is eligible to undertake a course of training in Radiography which, in the opinion of the Chief Executive, is appropriate to the duties of the office.
- (3) The person is willing to undertake a course of training for advancement to Radiographer, Grade 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.

## **153 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

## **154 Training Provisions**

- (1) Trainees will undertake the course of training leading to eligibility for ordinary membership of the Australian Institute of Radiography.
- (2) When trainees are not attending lectures they must work in their employing department.
- (3) Trainees must have successfully completed all subjects of any particular year before proceeding to the next year of the course.
- (4) The period of training will normally be three years.
- (5) Where applicants have already completed one or more years of the course, the period of training may be reduced.
- (6) Where appropriate, trainees may be granted a reasonable period of private study in official hours to compensate for attendance at lectures held outside normal working hours.
- (7) The amount of time will be determined according to the duration of after-hours lectures and the trainees progress.
- (8) Trainees will be subject to normal supervision during study periods.

**155 Advancement**

On successful completion of the course of training, Aboriginal Radiographers-in-training will be advanced to Radiographer, Grade 1.

**Subdivision 3.10.2.17 Aboriginal Trainee Technical Officer**

**156 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake a course of training for an associate diploma or a certificate of technology at a Technical and Further Education (TAFE) institution, which, in the opinion of the Chief Executive, is appropriate to the duties of the office.
- (3) The person is willing to undergo a course of training for advancement to Technical Officer, Level 2 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (4) Only persons who are eligible to undertake a course of training for an associate diploma or a certificate of technology at a TAFE institution should be considered for appointment, promotion or transfer as Aboriginal Trainee Technical Officer.

**157 Selection requirements**

- (1) Applicants may be required to sit an aptitude test.
- (2) Eligible applicants will be selected for interview on the basis of qualifications, experience and test results.
- (3) The selection committee will then assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.

- (4) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

## **158 Training Provisions**

- (1) Eligible trainees must undertake an approved associate diploma or certificate of technology course at a TAFE institution.
- (2) When attendance is not required at the TAFE institution, trainees must participate in a training program including on-the-job training and experience.
- (3) The period of the traineeship is normally determined by the minimum time required for completion of the course.
- (4) Where trainees have already completed part of the required course of study and/or practical training, the period of training may be reduced.
- (5) Alternatively, trainees with appropriate experience, or qualifications approved by the Commissioner, may be required to undertake a training course of between six and twelve months duration, where this is offered, consisting of theoretical training, on-the-job training, and training in other agencies performing similar functions.

## **159 Advancement**

On successful completion of the course of training, Aboriginal Trainee Technical Officers will be advanced to Technical Officer, Level 2.

### **Subdivision 3.10.2.18 Audiologist-in-training**

#### **160 Eligibility Requirements**

- (1) A degree or diploma from an Australian tertiary institution, or a comparable overseas qualification, which includes a major (or equivalent) in one or more of the following areas: Acoustics, Education, Electronics, Linguistics, Physics, Physiology, Psychology, or other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office; or
- (2) The person is willing to undertake a course of training in Audiology and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.

#### **161 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

#### **162 Training Provisions**

- (1) Applicants will undergo a course of training approved by the Commissioner.
- (2) Training conducted by Commonwealth departments may be accessed on a user pays basis.

## **163 Advancement**

On successful completion of the course of training, Audiologists-in-training will be advanced to Professional Officer, Class 1.

### **Subdivision 3.10.2.19 Professional Assistant**

## **164 Eligibility Requirements**

- (1) Successful completion of the first year of a four year degree course of Bachelor of Laws or of the first two years of a five year degree course of Bachelor of Laws from an Australian tertiary institution.
- (2) Persons who are undertaking, or who are eligible to undertake the second or subsequent years of an approved four year course in Laws or the third or subsequent years of an approved five year course in Laws will be considered for appointment, promotion or transfer as Professional Assistant.

## **165 Selection Arrangements**

- (1) Applicants are selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee assesses applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

## **166 Training Provisions**

- (1) Professional Assistants must undertake an approved course of study leading to a degree in Laws.

- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) Where Professional Assistants have already completed part of the required course of study, the period of training may be reduced.

#### **167 Advancement**

On satisfactory completion of the course of training, Professional Assistants will be advanced under the provisions for promoting from training offices in Chapter 5 as a Legal 1.

#### **168 Salary Advancement Provisions**

- (1) An officer must not be advanced to a salary exceeding the third salary point in the scale unless the officer has passed in all subjects required for the completion of the first year and second year of a four year or five year course for a degree in Laws of an Australian tertiary institution.
- (2) Where the salary payable to the officer on appointment, transfer or promotion to the office exceeds the third salary point in the scale, the officer shall not be advanced to a salary exceeding that which was payable on appointment, transfer or promotion to the office unless he or she has complied with the conditions specified in subsection (1).
- (3) An officer, who has complied with the conditions specified in subsection (1), is entitled to be advanced to—
  - (a) salary at the fourth salary point in the scale; or
  - (b) where the salary payable to the officer on appointment, transfer or promotion exceeds the fourth salary point in the scale—salary at that higher rate.
- (4) An officer must not be advanced to a salary exceeding the fifth salary point in the scale, unless the officer has passed in all subjects required for the completion of the first year, second year, and third

year of a four year or five year course for a degree in Laws of an Australian tertiary institution.

- (5) Where the salary payable to the officer on appointment, transfer or promotion to the office, exceeds the fifth salary point in the scale, the officer advanced to a salary exceeding that which was payable on appointment, transfer or promotion to the office unless the officer has complied with the conditions specified in subsection (4).
- (6) An officer, who has complied with the conditions specified in subsection (5), is entitled to be advanced to—
  - (a) salary at the sixth salary point in the scale; or
  - (b) where the salary payable to the officer on appointment, transfer or promotion exceeds the sixth salary point in the scale to salary at that higher rate.

### **Subdivision 3.10.2.20 Radiographer-in-training**

#### **169 Eligibility Requirements**

- (1) The person is undertaking or is eligible to undertake a course of training in Radiography, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; and
- (2) The person is willing to undertake a course of training for advancement to Radiographer, Grade 1 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.

#### **170 Selection Arrangements**

- (1) Applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability



having regard to educational qualifications, experience, interview performance and referee reports.

- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

## **171 Training Provisions**

- (1) Trainees must undertake a course of full-time study qualifying for a degree or diploma in Radiography.
- (2) Trainees must have successfully completed all subjects of any particular year before proceeding to the next year of the course.
- (3) The period of training will normally be three years.
- (4) Where applicants have already completed one or more years of the course, the period of training may be reduced.
- (5) Where appropriate, trainees will be granted a reasonable period of private study in official hours to compensate for attendance at lectures held outside normal working hours.
- (6) The amount of time will be determined according to the duration of after-hours lectures and trainees' progress.
- (7) Trainees will be subject to normal supervision during study periods.

## **172 Advancement**

On successful completion of the course of training, Radiographers-in-training will be advanced to Radiographer, Grade 1.

## **173 Additional Information**

- (1) Fees for all subjects studied under the training course will be paid by the agency, including lecture fees, charges for lecture notes, laboratory materials, hire of microscopes, special materials,

stationery and the amount paid for admission as a student member of the Australian Institute of Radiography.

- (2) Charges for printed texts and reference books will not be allowed.

### **Subdivision 3.10.2.21 Trainee Technical Officer**

#### **174 Eligibility Requirements**

- (1) Eligibility to undertake a course of training for an associate diploma or a certificate of technology at a TAFE institution, which, in the opinion of the Chief Executive is appropriate to the duties of the office; and
- (2) The person is willing to undergo a course of training for advancement as Technical Officer, Level 2 and, in the opinion of the Chief Executive, is likely to complete the course of training satisfactorily.
- (3) Only persons who are eligible to undertake a course of training for an associate diploma or certificate of technology at a TAFE institution should be considered for appointment, promotion or transfer as Trainee Technical Officer.

#### **175 Selection Arrangements**

- (1) Applicants may be required to sit an aptitude test.
- (2) Eligible applicants will be selected for interview on the basis of qualifications, experience and any test results.
- (3) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (4) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a departmental selection committee.

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## **176 Training Provisions**

- (1) Eligible trainees must undertake an approved associate diploma or certificate of technology course at a TAFE institution.
- (2) When attendance is not required at the TAFE institution, trainees will participate in a departmental training program including on-the-job training and experience.
- (3) The period of the traineeship is normally determined by the minimum time required for completion of the course.
- (4) Where trainees have already completed part of the required course of study and/or practical training, the period of training may be reduced.
- (5) Alternatively, trainees with appropriate experience, may be required to undertake a training course of between 6 and 12 months duration, where this is offered, consisting of theoretical training, conducted by agencies or at a tertiary institution, on-the-job training, and training in other areas or agencies performing similar functions.

## **177 Advancement**

On successful completion of the course of training, Trainee Technical Officers will be advanced to Technical Officer, Level 2.

# **Division 3.10.3 Qualifications and salary advancement for offices**

## **Subdivision 3.10.3.1 Academic**

## **178 Eligibility Requirements**

- (1) A degree or diploma of an Australian tertiary institution, or an overseas qualification comparable to those referred to this section, which, in the opinion of the relevant Chief Executive, is appropriate to the duties of the office; or

- (2) Other comparable which, in the opinion of the relevant Chief Executive, are appropriate to the duties of the office.

## **179 Salary Advancement Provisions—Academic Level 1**

### **Accelerated advancement**

#### **Fourth salary point**

- (1) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the relevant Chief Executive, is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than four years; or
- (2) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification; and
- (3) A graduate or post-graduate award of an Australian tertiary institution, or a comparable overseas qualification, which in the opinion of the relevant Chief Executive, is appropriate to the duties of the office.

## **Subdivision 3.10.3.2 Actuary**

### **180 Eligibility Requirements**

- (1) Fellowship of the Institute of Actuaries of Australia; or
- (2) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

## **Subdivision 3.10.3.3 ASO (Aboriginal Services) Class 1**

### **181 Eligibility Requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) Suitability for appointment as an ASO1 as set out in part 3.2 (Entry and Advancement).

- (3) Successful completion of a traineeship in the Australian Traineeship System.

#### **Subdivision 3.10.3.4 Darkroom Operator**

##### **182 Salary Advancement Provisions**

###### **Salary barrier**

###### **Fourth salary point**

When the Chief Executive is satisfied that the officer is capable of performing efficiently the whole of the duties of the office.

##### **183 Accelerated Advancement**

###### **Fifth salary point**

If—

- (a) the officer has attained the age of twenty-one years; and
- (b) the Chief Executive is satisfied that the officer is capable of performing efficiently the whole of the duties of the office.

#### **Subdivision 3.10.3.5 Dental Specialist**

##### **184 Eligibility Requirements**

- (1) A degree or diploma in Dental Surgery or Dental Science of an Australian tertiary institution, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; and a postgraduate qualification in Orthodontia, Oral Surgery, Pedodontia or Periodontia; or
- (2) An award of an overseas institution which is acceptable for registration in one of the fields specified in subsection (1), under the law of one of the States or Territories of Australia; or
- (3) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

### **Subdivision 3.10.3.6 Dentist 1, 2, 3, 4**

#### **185 Eligibility Requirements**

- (1) A degree in Dental Surgery or Dental Science of an Australian tertiary institution, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (2) An award of an overseas institution which is acceptable for registration in one of the fields specified in subsection (1), under the law of one of the States or Territories of Australia; or
- (3) Eligibility for registration in one of the fields specified in subsection (1), in the Australian Capital Territory; or
- (4) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

#### **186 Salary Advancement Provisions**

##### **Salary barrier**

##### **Fourth point**

- (1) An officer must not be paid a salary at a rate exceeding the fourth salary point, unless the Chief Executive is satisfied as to the officer's experience and proficiency following assessment of performance against approved criteria.

##### **Accelerated advancement**

##### **Fifth salary point**

- (2) An officer must be paid at the fifth salary point, if the Chief Executive is satisfied as to the officer's experience and proficiency following assessment of performance against approved criteria.

### **Subdivision 3.10.3.7 Enrolled Nurse**

#### **187 Eligibility Requirements**

- (1) A Nursing Aide Certificate of an institution recognised by the relevant State Nurses' Registration Board; or
- (2) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

### **Subdivision 3.10.3.8 General Service Officer**

#### **188 Eligibility Requirements**

- (1) Where an office, which until 30 August 1990, would have had the classification of Electrical Assistant, has a classification which has been translated to General Service Officer, Level 3—a pass in a practical test approved by the Chief Executive.
- (2) Where an office, which until 30 August 1990, would have had the classification of Electrical Tradesman, has a classification which has been translated to General Service Officer, Levels 5 and 6—
  - (a) First Class Tradesman qualifications in an Apprenticeship Tradesman course, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
  - (b) Tradesman Rights and a current licence to operate as an Electrical Tradesman in a State or Territory of Australia; or
  - (c) other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.
- (3) Where an office, which until 30 August 1990, would have had the classification of Lineman, has a classification which has been translated to General Service Officer, Levels 3 and 4—a pass in an examination approved by the Chief Executive.

- (4) Where an office, which until 30 August 1990, would have had the classification of Lines Supervisor, Grade 2, 3, and Lines Controller, Grade 1, 2, 3, has a classification which has been translated to General Service Officer, Levels 8, 9, 10 respectively—
- (a) compliance with the salary barrier conditions for Lineman; or
  - (b) the person was, on 21 August 1985, the occupant of an office or was an unattached officer performing the duties of an office of Lines Supervisor, Grade 2, Lines Supervisor, Grade 3, or Line Inspector; or
  - (c) other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.
- (5) Where an office, which until 30 August 1990, would have had the classification of Senior Electrical Fitter and Mechanic, Grade 1, 2 and Foreman Electrical Fitter and Mechanic, Grade 1, has a classification which has been translated to General Service Officer, Levels 8 and 9 respectively—
- (a) compliance with the salary barrier conditions for Electrical Fitter and Mechanic (specified in the salary advancement provisions below); or
  - (b) the person was the occupant, on 1 December 1971, of one of the following offices or was an unattached officer having the designation of either Senior Electrical Fitter and Mechanic, Grade 1, 2; or
  - (c) the person was the occupant, on 1 December 1971, of an office of Electrical Fitter and Mechanic and was in receipt of a salary rate of \$4,241, \$4356 or \$4,471 per annum; or
  - (d) other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.
- (6) Where an office, which until 30 August 1990, would have had the classification of Senior Electrical Tradesman and Electrical



Foreman, has a classification which has been translated to General Service Officer, Levels 7 and 9 respectively—

- (a) First Class Tradesman qualifications or Tradesman Rights and a current licence to operate as an Electrical Tradesman in a State or Territory of Australia; and compliance with the salary barrier conditions for Electrical Tradesman (specified in the salary advancement provisions below); or
- (b) other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

## **189 Selection Arrangements**

Where an office, which until 30 August 1990 would have had the classification of Senior Electrical Fitter and Mechanic, Grade 1, Foreman Electrical Fitter and Mechanic, or Senior Electrical Tradesman and Electrical Foreman, and have classifications which have been translated to the General Service Officer structure, direct appointment is not normally made.

## **190 Salary Advancement Provisions**

- (1) Where an office, which until 30 August 1990, would have had the classification of Dental Assistant, has a classification which has been translated to General Service Officer, Level 2—
  - (a) accelerated advancement to second salary point—
    - (i) a National Certificate of Proficiency awarded by the Dental Assistants' Association.
- (2) Where an office, which until 30 August 1990, would have had the classification of Electrical Fitter and Mechanic, has a classification which has been translated to General Service Officer, Level 5—
  - (a) salary barrier—third salary point—
    - (i) a pass in an accredited examination for advancement beyond this point.

- (b) accelerated advancement to fourth salary point—
  - (i) a minimum of twelve months service at the second salary point; and
  - (ii) a pass in an accredited examination for advancement beyond the salary barrier.
- (3) Where an office, which until 30 August 1990, would have had the classification of Electrical Tradesman, has a classification which has been translated to General Service Officer, Level 5, the following salary advancement provisions apply:
  - (a) accelerated advancement to fourth salary point—
    - (i) a minimum of twelve months service at the second salary point; and
    - (ii) a pass in an accredited examination.

### **Subdivision 3.10.3.11 Information Technology Officer, Class 1**

#### **201 Eligibility Requirements**

- (1) Successful completion of a course of training as Aboriginal Cadet Information Technology Officer or Cadet Information Technology Officer; or
- (2) Completion, or completion by the end of the year in which applications are invited, an associate diploma or higher qualification in Computing/Information Science; or
- (3) Significant relevant work experience (generally two or more years).

#### **202 Selection Arrangements**

Applicants are selected for interview on the basis of quality of academic results and relevance of studies and work experience.

## **203 Salary Advancement Provisions**

Accelerated Advancement to fifth salary point—

- (a) a minimum of two years' relevant on-the-job experience in information technology work, not including experience gained through a training course; and
- (b) the Chief Executive is satisfied as to the officer's ability to create, innovate, analyse and evaluate; ability to organise time and resources; ability to meet deadlines; and ability to communicate effectively.

### **Subdivision 3.10.3.12 Legal 1**

## **204 Eligibility Requirements**

- (1) A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (2) Admission as a practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; or
- (3) Successful completion of a course of training as Aboriginal Professional Assistant or Professional Assistant.

## **205 Salary Advancement**

- (1) On appointment an officer must be paid salary at the second salary point applicable to the Legal 1 classification, unless the Chief Executive determines otherwise (that is, approves a salary above the minimum as described in section 254) or the officer—
  - (a) has been admitted as a practitioner, however described, of the High Court or the Supreme Court of a State or Territory; and
  - (b) has served under articles of clerkship for a period of not less than one year; or

- (c) before being so admitted, successfully completed a course of training in the Legal Workshop conducted by the Faculty of Law at the Australian National University or a comparable course in Australia; or
  - (d) has gained equivalent experience, in the opinion of the Chief Executive.
- (2) On promotion, automatic advancement or transfer to Legal 1, the officer must be paid—
  - (a) salary at the second point in the scale; or
  - (b) salary at a higher rate, where the salary payable to an officer on transfer or promotion exceeds the second salary point in the scale, subject to subsection (5).
- (3) An officer must not be paid a higher salary than that which was paid on appointment, promotion, automatic advancement or transfer, unless the officer has complied with the conditions specified in subsection (1).
- (4) A person, who has complied with the conditions specified in subsection (1), must be paid—
  - (a) salary at the third point in the scale; or
  - (b) at the higher rate payable to the officer on appointment, transfer or promotion.
- (5) On appointment, promotion or transfer, an officer must not be paid salary above the seventh salary point unless the officer has complied with the conditions specified in subsection (1).
- (6) An officer who has complied with the conditions specified in subsection (1) is entitled to be advanced to salary points in the scale below in accordance with—
  - (a) performance appraisal procedures applicable to the classification; and

(b) conditions specified in subsection (7).

- (7) An officer who has attained a performance rating of 3, 4, or 5 must be advanced by the corresponding salary points specified in table 205, column 2, unless otherwise specified in subsections (7) to (10), if after transfer or promotion, the officer has completed at least three months service as a Legal 1 at the rate payable on transfer or promotion.

**Table 205**

<b>column 1</b> <b>Performance Rating</b>	<b>column 2</b> <b>Rate of Advancement</b>
1 and 2	No advancement
3	One salary point
4	Two salary points
5	Three salary points

- (8) An officer should not be advanced beyond the seventh salary point in the scale unless—
- (a) in the opinion of the Chief Executive, the level of the work allocated for the office is classified as higher level work; and
  - (b) the officer has performed work at the higher level for a minimum period of three months and attained a performance rating of 3, 4, or 5 shown in table 205.
- (9) Where an officer has complied with the provisions of conditions for advancement beyond the seventh salary point, the officer is entitled to advance to the eighth salary point.
- (10) An officer must not advance beyond the eighth salary point in the scale until the officer has completed twelve months service at the eighth salary point.

### **Subdivision 3.10.3.13 Legal 2**

#### **206 Eligibility Requirements**

Admission as a practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory.

#### **207 Salary Advancement**

- (1) An officer must be advanced in accordance with—
  - (a) performance appraisal procedures applicable to the classification, and
  - (b) conditions specified in subsection (2).
- (2) An officer is entitled to be paid salary at a rate exceeding that which was payable on appointment, transfer or promotion where the officer has attained a performance rating of 3, 4, or 5 if—
  - (a) the officer has completed twelve months service after appointment; or
  - (b) after transfer or promotion the officer has completed at least three months service as a Legal 2 at the rate payable on transfer or promotion.

### **Subdivision 3.10.3.14 Medical Officer Group**

#### **208 Application—sdiv 3.10.3.14**

- (1) This subdivision applies to—
  - (a) Assistant Medical Superintendent; and
  - (b) Chief Medical Adviser; and
  - (c) Deputy Medical Superintendent, Grade 1, 2; and
  - (d) Medical Officer, Class 1(b), 1(a), 2, 3, 4, 5, 6; and

- (e) Medical Superintendent, Grade 1, 2, 3, 4, 5; and
- (f) Rehabilitation Medical Officer; and
- (g) Senior Registrar.

## **209 Eligibility Requirements**

Registration as a medical practitioner under the laws of an Australian State or Territory.

### **Subdivision 3.10.3.15 Nurse Educator**

## **210 Salary Advancement Provisions**

### **Salary barrier**

#### **Fourth salary point**

- (1) The Diploma in Nursing Education of the College of Nursing, Australia, the Sister Tutor Diploma of the New South Wales College of Nursing, a Degree or Diploma in Nursing Education of a University (formerly a College of Advanced Education) or equivalent qualification recognised by the Chief Executive.

### **Accelerated advancement**

#### **Fifth salary point**

- (2) The Diploma in Nursing Education of the College of Nursing, Australia, the Sister Tutor Diploma of the New South Wales College of Nursing, a Degree or Diploma in Nursing Education of a University (formerly a College of Advanced Education) or equivalent qualification recognised by the Chief Executive.

### **Subdivision 3.10.3.16 Professional Officer and Senior Professional Officer**

## **211 Application—sdiv 3.10.3.16**

- (1) This subdivision applies to—

- (a) Professional Officer, Class 1, 2; and
- (b) Senior Professional Officer , Grade A, B, C; and
- (c) Senior Professional Officer (Engineering and Related), Grade A.

## **212 Eligibility Requirements**

- (1) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (2) Eligibility for graduate membership of, or registration by, a professional body, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (3) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification and a graduate diploma in Librarianship of an Australian tertiary institution, or a comparable overseas qualification, which in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (4) Other qualifications, comparable to those referred to in subsection (1), which, in the opinion of the Chief Executive, are appropriate to the duties of the office; or
- (5) The person was on 31 December 1985, eligible for admission to Graduate Membership or Corporate Membership of the Institution of Engineers, Australia, and was the occupant of, or was performing the whole of the duties of, one of the following offices:
  - (a) Engineer, Class 1, 2, 3, 4, 5;
  - (b) Naval Architect, Class 1, 2, 3, 4, 5;
  - (c) Experimental Officer, Class 1, 2, 3, 4, 5;
  - (d) Area Manager, Class 1, 2, 3;
  - (e) Construction Manager;



- (f) Project manager, Class 1, 2, 3;
- (g) Science 1, 2, 3, 4, 5.
- (6) Successful completion of a course of training as—
  - (a) Aboriginal Cadet Professional Officer; or
  - (b) Aboriginal Cadet Professional Officer (Defence Science); or
  - (c) Aboriginal Cadet Professional Officer (Engineer); or
  - (d) Aboriginal Cadet Professional Officer (Naval Architect); or
  - (e) Cadet Professional Officer; or
  - (f) Cadet Professional Officer (Defence Scientist); or
  - (g) Cadet Professional Officer (Engineer); or
  - (h) Cadet Professional Officer (Naval Architect); or
  - (i) Audiologist-in-training.

## **213 Salary Advancement Provisions for Professional Officer Class 1**

### **Accelerated advancement**

#### **Third salary point**

- (1) On and from 21 November 1991, an officer who has obtained a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than three years.

### **Accelerated advancement**

#### **Fourth salary point**

- (2) On and from 21 November 1991, an officer who has obtained—

- (a) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office, and the minimum period of full-time study for which is equivalent to four years; or
- (b) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, and a graduate or post-graduate award of an Australian tertiary institution, or a comparable overseas qualification which, in the opinion of the Chief Executive, are appropriate to the duties of the office; or
- (c) a degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; and eligibility for registration with an Australian Pharmacy Board or Council.

**Accelerated advancement**

**Fifth salary point**

- (3) On and from 21 November 1991, an officer who has obtained—
  - (a) a license or registration as a Surveyor in an Australian State or Territory; or
  - (b) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office, and the minimum period of full-time study for which is three years; or Certificate of Competency from a Surveyors' Board of an Australian State or Territory.

**Accelerated advancement**

**Sixth salary point**

- (4) On and from 21 November 1991, an officer who has obtained—

- (a) a licence or registration as a Surveyor in an Australian State or Territory; or
- (b) a degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than four years.

### **Subdivision 3.10.3.17 Prosthetic/Orthotic Assistant**

#### **214 Salary Advancement Provisions**

##### **Salary barrier**

##### **Fourth salary point**

- (1) Successful completion of an approved training course for advancement beyond this salary point.

##### **Accelerated advancement**

##### **Second salary point**

- (2) A trades certificate in woodwork, metalwork or plastics work.

##### **Accelerated advancement**

##### **Fifth salary point**

- (3) Successful completion of the Prosthetic/Orthotic Fabrication Skills training course.

### **Subdivision 3.10.3.18 Prosthetic/Orthotist Grade 1, 2, 3, 4, 5**

#### **215 Eligibility Requirements**

- (1) A Diploma of Applied Science in Prosthetics and Orthotics from the Lincoln Institute of Health Sciences, La Trobe University; or
- (2) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office; or

- (3) At 31 December 1991, completion of the Certificate of Competence in Prosthetics or Orthotics conducted by the Department of Veterans' Affairs; and
- (4) A minimum of five years experience as a Limbmaker and Fitter in the Commonwealth Department of Veterans' Affairs which includes such experience gained while undertaking the Certificate of Competence in Prosthetics or Orthotics, or other comparable experience.

### **Subdivision 3.10.3.19 Public Affairs Officer**

#### **216 Application—sdiv 3.10.3.19**

This subdivision applies to—

- (a) Public Affairs Officer, Grade 1, 2, 3; and
- (b) Senior Public Affairs Officer, Grade 1, 2.

#### **217 Eligibility Requirements**

- (1) Completion of a media cadetship leading to employment as a graded journalist, public relations or marketing officer, press photographer, film or video director or producer, or creative or graphic art designer; or
- (2) A degree or diploma or postgraduate diploma with a major in journalism, editing, communications, public relations, marketing, press photography, television or radio production, film or video production, creative or graphic art design, of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (3) Possession of recognised skills or relevant experience which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

### **Subdivision 3.10.3.20 Radiographer Grade 1, 2, 3, 4**

#### **218 Eligibility Requirements**

- (1) Eligibility for ordinary membership of the Australian Institute of Radiography; or
- (2) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.
- (3) Successful completion of a course of training as Aboriginal Radiographer-in-training.

### **Subdivision 3.10.3.21 Research Officer**

#### **219 Application—sdiv 3.10.3.21**

This subdivision applies to—

- (a) Research Officer, Grade 1; and
- (b) Research Officer, Grade 2 (ASO 4); and
- (c) Senior Research Officer, Grade 1 (ASO 5); and
- (d) Senior Research Officer, Grade 2 (ASO 6); and
- (e) Principal Research Officer (SOG C).

#### **220 Eligibility Requirements**

- (1) A degree of an Australian tertiary institution, or a comparable overseas qualification; or
- (2) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.
- (3) Successful completion of a course of training as—
  - (a) Aboriginal Cadet Agricultural Economist; or
  - (b) Aboriginal Cadet Economist; or

- (c) Aboriginal Cadet Statistician; or
- (d) Cadet Agricultural Economist; or
- (e) Cadet Economist; or
- (f) Cadet Statistician; or
- (g) Graduate Administrative Assistant; or
- (h) Graduate Administrative Assistant (Indigenous Employment).

## **221      Salary Points**

- (1) Salaries payable to Research Officers, Grade 1 are based on the level of academic qualifications held on the date of commencement—
  - (a) Degree of Bachelor with Second Class Honours—second salary point;
  - (b) Degree of Bachelor with First Class Honours—third salary point.
- (2) Normal incremental advancement applies thereafter.

## **Subdivision 3.10.3.22   Research Scientist**

### **222      Application—sdiv 3.10.3.22**

This subdivision applies to—

- (a) Research Scientist; and
- (b) Senior Research Scientist; and
- (c) Principal Research Scientist; and
- (d) Senior Principal Research Scientist; and
- (e) Chief of Division, Grade 1, 2, 3; and
- (f) Chief Research Scientist, Grade 1, 2.

## **223 Eligibility Requirements**

- (1) A degree of Doctor of Philosophy of an Australian university or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office; and
- (2) The Chief Executive is satisfied that the scientist possesses—
  - (a) scientific research ability, a breadth and depth of scientific interests and the potential to vary those scientific interests and to accept responsibility for scientific research in fields broader than those encompassed by university training; and
  - (b) scientific skill and judgement, together with the capacity to make mature assessments and decisions on the progress of his or her scientific research work and to accept responsibility for—
    - (i) the accuracy and validity of that work; and
    - (ii) the scientific conclusions derived personally from that work; and
    - (iii) the advancement of that work in directions which might have a bearing on its application.
- (3) Successful completion of training as—
  - (a) Aboriginal Cadet Research Scientist; or
  - (b) Cadet Research Scientist.

**224 Salary Advancement Provisions for Research Scientist, Senior Research Scientist, Principal Research Scientist and Senior Principal Research Scientist**

- (1) An officer must be advanced to salary points in the scale in accordance with—
  - (a) performance appraisal procedures applicable to the classification; and
  - (b) conditions specified below.
- (2) An officer who has attained a performance rating of 'outstanding', 'superior' or 'fully effective', shown in table 224, column 1, is entitled to be advanced by the number of salary points specified in column 2 corresponding to the performance rating attained by the officer, except as specified otherwise.

**Table 224**

<b>column 1</b> <b>Performance Rating</b>	<b>column 2</b> <b>Rate of Advancement</b>
Outstanding	Two salary points
Superior—First year	One salary point
Superior—Each successive year	Two salary points
Fully effective	One salary point
Adequate	No advancement
Unsatisfactory	No advancement

- (3) Performance appraisal-related remedial and regression provisions apply to officers holding an office within the classification of Senior Principal Research Scientist, Chief of Division Grade 1, 2 & 3 and Chief Research Scientist Grade 1 & 2.



- (4) Regression action will apply when an officer holding one of the above offices—
- (a) has attained a performance rating of 'adequate' in column 1, in which case remedial action must be initiated no later than one month after notification of an officer's performance rating; or
  - (b) has attained a performance rating of 'unsatisfactory' in column 1, regression action will apply; or in which case; or
  - (c) has not achieved a performance rating of 'fully effective' after remedial action has been taken.

### **Subdivision 3.10.3.23 Scientific Officer**

#### **225 Eligibility Requirements**

A degree with First or Second Class Honours in Science or Engineering of an Australian university, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office, or other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

#### **226 Salary Points**

- (1) Salaries payable to Scientific Officers are based on the level of academic qualifications held on the date of commencement.
- (2) A Masters degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office - third salary point.
- (3) A degree of Doctor of Philosophy of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office—fourth salary point.

### **Subdivision 3.10.3.24 Senior Theatre Technician**

#### **227 Eligibility Requirements**

- (1) A Nursing Aide Certificate recognised by the relevant Nurses' Registration Board; and a minimum of twelve months experience as a Nursing Aide or a minimum of twelve months equivalent experience in operating theatre duties; and the certificate of the Australian Society of Anaesthetic and Operating Theatre Technicians; or
- (2) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.

### **Subdivision 3.10.3.25 Specialist**

#### **228 Application—sdiv 3.10.3.25**

This subdivision applies to—

- (a) Specialist; and
- (b) Senior Specialist-in-charge; and
- (c) Consultant.

#### **229 Eligibility Requirements**

- (1) Registration as a medical practitioner under the laws of an Australian State or Territory; and
- (2) A postgraduate degree or diploma of an Australian institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office.

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### **Subdivision 3.10.3.26 Teacher (Schools)**

#### **230 Eligibility requirements**

Approved courses for status on appointment or engagement of teachers are classified using the nomenclature of the Australian Council on Tertiary Awards and are—

- (a) Undergraduate Awards—
  - Bachelor's Degree
  - Diploma;
- (b) Postgraduate Awards—
  - Graduate Diploma
  - Master's degree or higher qualification.

#### **231 Salary Advancement**

##### **Category C**

- (1) A teacher who has successfully completed an approved course in teacher training which is at least of two years duration will be placed in Category C.

##### **Category B**

- (2) A teacher will be placed in Category B by satisfying one of the following conditions:
  - (a) successful completion of a three year undergraduate Diploma teacher training course at an approved Australian tertiary institution;
  - (b) two years of recognised teacher training plus the equivalent of one year of full time study within an undergraduate degree or diploma level course, or higher qualification, at an approved tertiary institution;
  - (c) two years of recognised teacher training, the subsequent completion of eight years of recognised full time teaching

service and the completion of a minimum of one half of a year of full-time study within an undergraduate degree or diploma level course, or higher qualification, at an approved Australian tertiary institution;

- (d) two years of recognised teacher training, the subsequent completion of nine years of recognised full time teaching service and the completion of a minimum of one quarter of a year of full year study within an undergraduate degree or diploma, or higher qualification, at an approved Australian tertiary institution;
- (e) two years of recognised teacher training and the subsequent completion of ten years of recognised full-time teaching service.

**Category A**

- (3) A teacher must be placed in Category A by satisfying one of the following conditions:
  - (a) successful completion at approved tertiary institutions of either an undergraduate Bachelor's degree or undergraduate Diploma course, and of a pre-service postgraduate Graduate Diploma course in teacher training;
  - (b) successful completion of a four year integrated degree in education at an approved Australian tertiary institution;
  - (c) successful completion of an approved four year diploma course in education in an approved Australian tertiary institution;
  - (d) Category B or Category C plus the successful completion of a Bachelor's Degree course at an approved Australian tertiary institution, or Category B, as set out in subsections (2)(a) and (b) under category B, plus the successful completion of an appropriate, approved Graduate Diploma course at an approved Australian tertiary institution;

- (e) a Category B teacher must be placed in Category A on the successful completion of an approved balanced selection of final year units offered as part of an integrated four year Bachelor of Education course (or its equivalent) at an Australian tertiary institution, provided—
  - (i) these units of study are the equivalent of one year of full-time study at fourth year level; and
  - (ii) that the units are the same as those taken by students in the fourth year of a Bachelor of Education degree program;
- (f) it should be noted that the determination of a balanced selection remains the relevant authority's prerogative and that the determination of Category A status on this basis is subject to approval by the relevant authority;
- (g) Category C teachers who commence a Post-Graduate Diploma course on or after 1 January 1990 will not be considered for Category A status on completion of that course;
- (h) overseas and other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office;
- (i) for appointment, promotion or transfer to Teacher Level 3, officers must have Category A status or have completed upgrading to Category A status by 1 January 1995;
- (j) for appointment, promotion or transfer to Teacher Level 4 and Teacher Level 5, officers must have Category A status.

## **232 Salary Advancement—Accelerated advancement**

A teacher with Category A classification who has satisfactorily completed a course or courses listed below, whether as pre-service or post-service training must be awarded one, and only one, additional increment in salary—

- (a) first or second class honours degree involving at least one year of additional full time study following a Bachelor's degree from an approved Australian tertiary institution or its equivalent (eg, certain acceptable Master's degree qualifying courses and post-graduate diplomas from approved Australian tertiary institutions); or
- (b) a degree at Master's or Doctorate level from an approved Australian tertiary institution; or
- (c) overseas or other qualifications considered by the Chief Executive to be the equivalent of those listed above.

### **233 Credit for completed years of teaching**

- (1) Level 1 teachers will be credited with the number of completed years and part of a year of full time teaching experience which were—
  - (a) subsequent to the completion of an approved course of teacher education; and
  - (b) undertaken in an approved Government school or an approved non-Government school or other approved institution.
- (2) For the purposes of the above, non-continuous teaching experience equivalent to one year of full-time teaching may be considered equivalent to one completed year.

### **234 Teacher Level 1—Salary Barrier**

- (1) No teacher will be advanced beyond the seventh year of service salary level of the Level 1 classification unless they have successfully completed one of the conditions specified to qualify as a Category A teacher.
- (2) Category B teachers must be considered for advancement beyond the seventh incremental point after a minimum of eight years service, by demonstrating at least 15 hours of relevant professional

development in the year immediately preceding the application for advancement.

- (3) Once a teacher has moved to the eighth incremental point, they will then be entitled to progress through the remaining increments as set out in part 4.3.

### **235 Advanced Skills Teacher 1 (AST 1)**

- (1) An officer must meet one of the following prerequisites to be eligible to apply for advancement to Advanced Skills Teacher Level 1—
  - (a) Category A on the tenth or eleventh incremental point;
  - (b) Category B on the eighth incremental point and with a minimum of ten years of teaching experience which in the opinion of the Chief Executive is appropriate;
  - (c) Category A with a minimum of ten years of teaching experience which in the opinion of the Chief Executive is appropriate.
- (2) Teachers who meet one of the above eligibility requirements may apply in writing to the Chief Executive for AST 1 classification.
- (3) The Chief Executive may approve advancement of applicants to this classification on the basis of a recommendation after assessment of the applicant.
- (4) The assessment process is subject to annual review by the Australian Industrial Relations Commission (AIRC) (See AIRC Case No. 90170 of 21 February 1992).

### **Subdivision 3.10.3.27 Teacher (Technical and further education)**

#### **236 Eligibility requirements**

- (1) For promotion, appointment or transfer to Teacher Band 1, qualifications and experience which in the opinion of the relevant Chief Executive, are appropriate to the duties of the office, are required.
- (2) This may include relevant professional qualifications, in addition to a period of industry experience.
- (3) For promotion, appointment or transfer to a Senior Teaching Post, Teacher Band 2 and Teacher Band 3, qualifications in adult education, and relevant professional qualifications and industry experience, which in the opinion of the relevant Chief Executive are appropriate to the duties of the office, are required.

#### **237 Salary Advancement Provisions**

- (1) Qualifications in adult education, which in the opinion of the relevant Chief Executive are appropriate to the duties of the office, are required for a Band 1 Teacher to advance beyond the eighth incremental point.
- (2) A teacher on the eighth incremental point may advance from that point to the ninth incremental point if they—
  - (a) possess a recognised teaching qualification; and
  - (b) undertake a minimum of fifteen hours professional development in the twelve month period the teacher is actually on the eighth incremental point of the Band 1 classification.
- (3) A teacher on the ninth incremental point may advance from that point to the tenth incremental point if they undertake a minimum of fifteen hours professional development in the twelve month period



the teacher is actually on the ninth incremental point of the Band 1 classification.

### **Subdivision 3.10.3.28 Technical Officer and Senior Officer (Technical)**

#### **238 Application—sdiv 3.10.3.28**

This subdivision applies to—

- (a) Technical Officer, Level 2, 3, 4; and
- (b) Senior Officer (Technical), Grade B, C.

#### **239 Eligibility Requirements**

- (1) An associate diploma from an Australian Technical and Further Education (TAFE) institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (2) Relevant experience, training or accreditation, which, in the opinion of the Chief Executive, enable the officer competently to perform the duties appropriate to the office; or
- (3) A competency assessment, such as an eligibility test, approved by the Commissioner and recognised as determining a level of skill equivalent to that described in subsection (1); or
- (4) Other qualifications comparable to those referred to in subsection (1) which, in the opinion of the Chief Executive, are appropriate to the duties of the office; or
- (5) The person was, on 29 August 1990, the substantive occupant of an office of Ambulance Officer (ACT Government) and received salary at the fourth salary point or higher within the salary range for that classification; or

- (6) The person was, on 13 November 1990, the substantive occupant of an office of House Manager (ACT Government) or was an unattached officer having this designation; or
- (7) The person was, on 1 February 1991, the substantive occupant of an office of Works Supervisor, Grade 1, 2, or was an unattached officer having this designation; or
- (8) The person was, on 1 August 1991, the substantive occupant of an office of Dental Mechanic or Senior Dental Mechanic, or was an unattached officer having one of these designations.
- (9) The person was, on 29 August 1990, the substantive occupant of the offices listed below—
  - (a) Aboriginal Electrical Technician; or
  - (b) Aboriginal Navy Systems Technician; or
  - (c) Aboriginal Radio Technician; or
  - (d) Senior Ambulance Officer (ACT Government); or
  - (e) Station Officer (ACT Government); or
  - (f) Communicator, Grade 3, 4, 5 (Meteorology); or
  - (g) Controller, Radio Inspection Services; or
  - (h) Drafting Officer, Grade 1, 2; or
  - (i) Chief Drafting Officer, Grade 1, 2, 3; or
  - (j) Senior Drafting Officer; or
  - (k) Supervising Drafting Officer; or
  - (l) Electrical Technical Officer, Grade 1, 2; or
  - (m) Senior Electrical Technical Officer, Grade 1, 2, 3; or
  - (n) Electrical Technician; or

- (o) Fallout Shelter Surveyor, Grade 1, 2, 3; or
- (p) Fire Safety Officer, Grade 1, 2, 3, (DAS only); or
- (q) Graphic Designer, Grade 1, 2, 3, 4, 5; or
- (r) Manager, Grade 1, 2, 3; or
- (s) Quality Assurance Officer, Grade 2; or
- (t) Radio Technical Officer, Grade 1, 2; or
- (u) Principal Radio Technical Officer, Grade 1, 2; or
- (v) Senior Radio Technical Officer, Grade 1, 2, 3; or
- (w) Radio Technician; or
- (x) Senior Technical Cataloguer, Grade 1, 2; or
- (y) Supervising Technical Cataloguer, Grade 1, 2, 3; or
- (z) Technical Instructor, Grade 2, (Electrical, DT&C); or
- (za) Senior Technical Instructor, Grade 1, 2 (Electrical, DT&C); or
- (zb) Technical Instructor (Lines, DT&C); or
- (zc) Senior Technical Instructor, Grade 1, 2 (Lines, DT&C); or
- (zd) Technical Instructor (Mechanical, DT&C); or
- (zc) Senior Technical Instructor, Grade 1 (Mechanical, DT&C); or
- (zd) Technical Instructor, Grade 2 (Meteorology); or
- (zc) Technical Instructor, Grade 2 (Radio, Meteorology); or
- (zd) Senior Technical Instructor, Grade 1 (Meteorology); or
- (ze) Technical Instructor, Grade 2 (Radio, DT&C); or
- (zf) Senior Technical Instructor, Grade 1, 2, 3 (Radio, DT&C); or
- (zg) Technical Officer (Buildings), Grade 1, 2; or

- (zh) Chief Technical Officer (Buildings) Grade 1, 2, 3; or
  - (zi) Senior Technical Officer (Buildings), Grade 1, 2, 3; or
  - (zj) Controller (Buildings); or
  - (zk) Technical Officer (Engineering), Grade 1, 2; or
  - (zl) Senior Technical Officer (Engineering), Grade 1, 2, 3; or
  - (zm) Principal Technical Officer (Engineering); or
  - (zn) Principal Technical Officer (Engineering), Grade 2; or
  - (zo) Technical Officer (Medical Laboratory), Grade 1, 2; or
  - (zp) Technical Officer (Meteorology), Grade 1, 2; or
  - (zq) Senior Technical Officer (Meteorology), Grade 1, 2, 3; or
  - (zr) Principal Technical Officer (Meteorology); or
  - (zs) Technical Officer (Science), Grade 1, 2; or
  - (zt) Senior Technical Officer (Science), Grade 1, 2, 3; or
  - (zu) Technical Officer (Surveying), Grade 1, 2; or
  - (zv) Senior Technical Officer (Surveying), Grade 1, 2, 3; or
  - (zw) was an unattached officer having one of the above designations.
- (10) Officers who successfully complete a course of training as—
- (a) Aboriginal Trainee Technical Officer; or
  - (b) Trainee Technical Officer;
- will be advanced to Technical Officer, Level 2 under provisions for promotion from a training office.

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## **240 Salary Advancement Provisions**

### **Technical Officer, Level 2**

#### **Salary barrier**

- (1) Where an office of Senior Mechanic (Maritime Aids) has been translated to Technical Officer, Level 2, the following Salary Advancement Provisions apply:
  - (a) an officer must not advance beyond the third salary point unless the officer—
    - (i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) Structure; or
    - (ii) passed a competency test conducted by the Australian Maritime Safety Authority, which, in the opinion of the Chief Executive, is appropriate to the duties of the office.

### **Technical Officer Level 4**

#### **Salary barrier**

- (2) Where an office of Supervisor (Maritime Aids) Grade 3, has been translated to Technical Officer, Level 4, the following Salary Advancement Provisions apply:
  - (a) an officer shall not advance beyond the third salary point unless the officer—
    - (i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) Structure; or
    - (ii) passed a competency test conducted by the Australian Maritime Safety Authority, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or

- (3) Where an office of Works Supervisor Grade 1, has been translated to Technical Officer, Level 4, the following salary advancement provisions apply:
- (a) an officer shall not advance beyond the third salary point unless the officer—
    - (i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) structure; or
    - (ii) passed a competency test conducted by a relevant body which, in the opinion of the Chief Executive, is appropriate to the duties of the office.

### **Subdivision 3.10.3.29 Veterinary Officer Class 1, 2, 3, 4, 5**

#### **241 Eligibility Requirements**

- (1) A degree in Veterinary Science or Veterinary Medicine of an Australian university, or a comparable overseas qualification, which, in the opinion of the Chief Executive, is appropriate to the duties of the office; or
- (2) Other comparable qualifications which, in the opinion of the Chief Executive, are appropriate to the duties of the office.
- (3) On successful completion of a course of training as Aboriginal Cadet Veterinary Officer or Cadet Veterinary Officer, officers will be advanced to Veterinary Officer, Class 1.

### **Subdivision 3.10.3.30 Dental Assistants 1/2**

#### **242 Salary Advancement Provisions**

- (1) A Dental Assistant who does not hold the Dental Assistant Educational Council of Australia (DAECA) Certificate or equivalent

will not advance beyond the fourth salary point of Dental Assistant 1/2.

- (2) A Dental Assistant who has successfully completed a course of study which will lead to holding (or who already holds) the DAECA Dental Assistant Certificate or equivalent will be advanced to the fifth salary point in the salary scale of Dental Assistant 1/2.
- (3) In subsection (2):

***Equivalent*** means a nationally recognised portable dental assistant certificate from a recognised educational institution or a comparable qualification, which in the opinion of the Chief Executive is appropriate to the duties of the office.

- (4) A Dental Assistant who has successfully completed a course of study which will lead to holding (or who already holds) both the DAECA Dental Assistant Certificate and DAECA Radiography Certificate or equivalents will be advanced to the sixth salary point in the salary scale of Dental Assistants 1/2.
- (5) In subsection (4):

***Equivalents*** mean a nationally recognised portable dental assistant certificate from a recognised educational institution and other qualifications relevant to the duties of the office, (eg. Dental Radiography Certificate) or a comparable qualification, which in the opinion of the Chief Executive is appropriate to the duties of the office.

## Division 3.10.4 Independent Reviewers

### 243 Interpretation—div 3.10.4

In this division:

***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.

**244 Application—div 3.10.4**

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

**245 Remuneration**

- (1) A person engaged as an independent reviewer is paid a rate of \$92 per hour.
- (2) The loading referred to in section 260 is payable to independent reviewers on top of the \$92 per hour remuneration, and that loading is payable even where the hours of duty or attendance exceed those listed in section 260 for part-time employees.
- (3) An independent reviewer is not entitled to recreation or personal leave.
- (4) Section 284 does not apply to an independent reviewer.

**246 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.



## Part 3.11                      Equal Employment Opportunity Programs

### 247                      Operation with the Public Sector Management Act 1994

- (1) This part provides for equal employment opportunity programs in accordance with the Act, section 39 and 40.
- (2) Equal employment opportunity programs provided for in this part are approved programs under the Act, section 65 (3)
- (3) The Disability Employment Program in division 3.11.2 is a prescribed scheme under the Act, section 109.

### Division 3.11.1                      Indigenous Traineeship Program

#### 247A                      Interpretation—div 3.11.1

In this division:

*ASO* means Administrative Services Officer.

*relevant collective agreement* means the collective agreement made under the *Workplace Relations Act 1996* (Cwlth) that applies to an administrative unit or part of an administrative unit.

#### 247B                      Eligibility

Aboriginal peoples and Torres Strait Islanders who are eligible for appointment to the service under the Act, section 68 are eligible to participate in the Indigenous Traineeship Program.

#### 247C                      Selection

- (1) Successful applicants to the Indigenous Traineeship Program will be appointed in order of merit based on the reports of selection committees.

- (2) Except where special arrangements have been approved by the Commissioner, relative suitability of applicants will be decided by reference to one or more of:
- (a) expressions of interest
  - (b) participation in a program preparing the applicant for full time work
  - (c) interviews.

**247D Classification on appointment**

Appointees to the Indigenous Traineeship Program will be appointed as an Indigenous Trainee.

**247E Salary on appointment**

- (1) The salary payable to an Indigenous Trainee is equivalent to the base salary payable to an ASO Class 1 under the relevant collective agreement.
- (2) The salary payable to an Indigenous Trainee is not reduced if the participant is under 21 years of age.

**247F Advancement**

- (1) Indigenous Trainees may be advanced within the service on successful completion of the Program and one or more of:
  - (a) a Certificate II in Information Technology; or
  - (b) a Certificate II in Business Administration; or
  - (c) a Certificate III in Information Technology; or
  - (d) a Certificate III in Business Administration.

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## Division 3.11.2      Disability Employment Program

### 248      Interpretation—3.11.2

In this division:

**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 section 251 (a) and section 251 (b) has additional eligibility requirements which are set out in section 250.

**program** means the Disability Employment Program.

**249 Purpose—3.11.2**

- (1) The Disability Employment Program supports the employment of people with disabilities in the ACTPS.
- (2) The Program provides opportunities for people with disabilities to access permanent employment at various levels in the ACTPS, temporary contract engagement as an Executive or temporary employment opportunities that provide valuable training opportunities and may lead on to opportunities for permanent employment either within the ACTPS or elsewhere.
- (3) The Program is consistent with the objectives of the *Human Rights Act 2004*, section 17 (c), the *Discrimination Act 1991*, section 27 and the *Disability Discrimination Act 1992* (Cwlth), section 45.

**250 Eligibility**

To be eligible to participate in elements set out in section 251 (a) and (b) of the Program, a person must—

- (a) satisfy the requirements of the Act, section 68 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.

**251 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 an 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;
- (d) redesign positions or workplace arrangements to remove barriers to the employment of people with disabilities.

## **252 Other employment arrangements**

- (1) In accordance with the principle of reasonable adjustment, an agency must also consider a person's disability and make reasonable adjustments in employment arrangements to accommodate the person.
- (2) This applies to this Program and other positions in the ACTPS under ACT and Commonwealth anti-discrimination laws.
- (3) This may include, but is not limited to, any of the following adjustments:
  - (a) changes to recruitment and selection arrangements;
  - (b) changes to methods used for testing, assessing or selecting;
  - (c) changes to the workplace or work related premises, equipment, or facilities, including providing additional facilities;
  - (d) changes to work-related communications or the provision of information;
  - (e) changes to job design;

- (f) changes to work arrangements including hours of work and use of leave entitlements;
- (g) changes to work related rules or other matters necessary to enable a person to comply with rules;
- (h) changes to training, transfers, acting, trial or higher duties positions, traineeships, or other forms of opportunity to demonstrate or develop capacity in a position;
- (i) providing interpreters, readers, attendants or other work related assistance;
- (j) facilitating use of equipment or assistance;
- (k) providing training to co-workers and supervisors.

## **Part 3.12 Graduate Program**

### **252A Interpretation—pt 3.12**

In this part:

*designated group* has the same meaning as in the Act, section 39.

### **252B Eligibility**

- (1) To participate in the Graduate Program a person must meet the eligibility requirements set out in the Graduate Program Policy Statement.
- (2) The Graduate Program may restrict eligibility for some of the offices in the program to people in a designated group.

### **252C Selection**

- (1) The Commissioner must give written approval, having considered the recommendations of a written selection report, for the selection of a person to participate in the Graduate Program.
- (2) When considering the recommendations of a written selection report the Commissioner must be satisfied that the process used to assess the comparative ability of the applicants to perform the duties of a position complied with the merit principle set out in the Act, section 65 before approval is given.

### **252D Classification on appointment**

A participant in the Graduate Program is appointed at the commencement of the Graduate Program at the classification Graduate Administrative Assistant.

**252E      Salary on appointment**

The salary payable to a Graduate Administrative Assistant is equivalent to the base salary payable to an Administrative Service Officer Class 4 under the relevant collective agreement or enterprise agreement.

**252F      Probation**

In addition to the ordinary requirements for confirmation, the appointment of a Graduate Administrative Assistant will not be confirmed until the officer has been assessed by the approved training provider as having successfully completed:

- (a) a Diploma in Government; or
- (b) a Diploma in Government (Management); or
- (c) a Diploma in Government (Project Management); or
- (d) a Diploma in Government (Policy Development) ; or
- (e) a Diploma in Government (Procurement); or
- (f) a Diploma in Government (Contract Management).

**252G      Promotion**

The relevant chief executive may promote a Graduate Administrative Assistant to a position with the classification Administrative Service Officer Class 5, without an additional selection process if the appointment of the officer has been confirmed.



## **Chapter 4                      Conditions of employment and attendance**

### **Part 4.1                      Salaries**

#### **253                      Application—pt 4.1**

This part applies to officers and employees.

#### **254                      Salary on commencement**

- (1) An officer, on appointment, or an employee on engagement, is entitled to be paid at the minimum salary point in a salary scale that relates to the office or position they hold or occupy.
- (2) A Chief Executive may approve payment of salary to the officer or employee at a higher than the minimum salary point in the salary scale that relates to the office or position they hold or occupy, if the Chief Executive considers, in all of the circumstances, that the officer or employee should be paid at the higher salary level.
- (3) In exercising this discretion, the Chief Executive will take into consideration, where relevant, the following factors:
  - (a) relevant qualifications;
  - (b) relevant work and personal experience;
  - (c) current salary;
  - (d) the ability of the person to make an immediate contribution to the position;
  - (e) difficulties in the attraction and retention of suitable staff.

**255 Salary on promotion**

- (1) Subject to the rules about incremental advancement set in part 4.3, an officer, on promotion is entitled to be paid at the minimum salary point in a salary scale that relates to the office they hold or occupy.
- (2) A Chief Executive may approve payment of salary to the officer at a higher than the minimum salary point in the salary scale that relates to the office they hold or occupy, if the Chief Executive considers, in all of the circumstances, that the officer should be paid at the higher salary level.
- (3) In exercising this discretion, the Chief Executive will take into consideration, where relevant, the following factors:
  - (a) relevant qualifications;
  - (b) relevant work and personal experience;
  - (c) current salary;
  - (d) the ability of the person to make an immediate contribution to the position;
  - (e) difficulties in the attraction and retention of suitable staff.

**256 Salary on transfer**

- (1) On transfer at level an officer is entitled to be paid a salary equal to the salary paid to them in their previous office.
- (2) On temporary transfer to another office under the Act, section 100 (1) an officer is entitled to be paid salary as if they were the holder of the office.

**257 Deductions**

- (1) Deductions required by the *Income Tax Assessment Act 1936* (Cwlth) and *Income Tax Assessment Act 1997* (Cwlth) must be made from the salary of an officer or employee.

- (2) The officer or employee may authorise further deductions from their pay in writing.

- (3) In this section:

*salary* includes any money payable by the Territory by way of salary, wages or set allowances. It does not include any money payable to the officer by way of a weekly payment of compensation under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

## Part 4.2 Rates of salary

### 258 Calculating hourly rates for full time officers

- (1) Hourly rates for salary purposes are calculated on a fortnightly basis as follows:

$$\frac{\text{Salary} \times 12}{313}$$

and the result is divided by the number of hours of duty to give the hourly rate.

### 259 Unattached officers

- (1) An officer is entitled to be paid salary at the applicable rate as if their office had not been abolished or reclassified, subject to this part.
- (2) The Commissioner may determine a rate of salary of an unattached excess officer that is not the rate that would apply to their previous classification.

## **260 Part-time temporary employees**

- (1) 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.
- (2) 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—
  - (a) for less than 24 hours a week; and
  - (b) on less than four days a week;must be twenty per cent greater than the hourly rate payable to an equivalent full-time employee (*‘the 20% loading’*).
- (3) A part-time employee to whom the 20% loading applies is not entitled to payment for recreation or personal leave.

*Note* See div 3.10.4; where an independent reviewer must be paid the loading irrespective of hours worked or attendance period in lieu of recreation or personal leave.

## **261 Teachers**

A Teacher is paid in accordance with the relevant award.

## **262 Salary on reclassification**

- (1) If under a decision or award of the Australian Industrial Relations Commission or a process established under such a decision or award, an officer is eligible for back-pay in respect of a period, the Commissioner may approve the payment to the officer of that back-pay.
- (2) In this section:  
***back-pay*** means the difference between—
  - (a) the remuneration paid to the officer during the period concerned; and

- (b) the remuneration for which the officer is eligible under the relevant decision or award of the Australian Industrial Relations Commission.

### **263 Skills and qualifications payments**

- (1) Allowances for skills and qualifications are included in salary for calculating recreation leave, long service leave, paid personal leave, paid maternity leave and other paid leave granted under the Standards.
- (2) If leave is on reduced pay or without pay, the allowances must be proportionately reduced or withdrawn.
- (3) The payment of the allowances are continued if an officer, who regularly receives them, is transferred temporarily to another position in which no HDA is payable, provided that they would have continued to receive the allowance, but for the temporary transfer.
- (4) In any other circumstances, an allowance must be discontinued when an officer is transferred temporarily or permanently to other duties.
- (5) An officer temporarily transferred to a position which attracts an allowance for skills and qualifications must be paid the allowance, if the officer has the necessary qualification, immediately on taking up the position.

### **264 Allowance in lieu of right of private practice- Pathologists**

- (1) This section applies to an officer who—
  - (a) is qualified to practice as a pathologist; and
  - (b) is employed as a Consultant, Senior Specialist in Charge, Senior Specialist or Specialist, in pathology.

- (2) Officers covered by this section are entitled to be paid in respect of the period of relevant service, the higher of the following allowances:
- (a) an allowance equal to 35 per cent of their annual gross salary;
  - (b) an allowance equivalent to the aggregate rate of bonus and expense allowance payable to salaried specialists drawing income from private practice (under a Right of Practice Scheme of the ACT Department of Health).

**265 Allowance in lieu of right of private practice—Specialists other than Pathologists**

- (1) Officers are entitled to be paid an allowance, in respect of the period of relevant service, at a rate equal to 16 per cent of the annual salary where the officer—
- (a) is a Senior Specialist or Specialist other than a pathologist; and
  - (b) has elected to receive the allowance under this section in lieu of any remuneration from exercising a right of private practice under a Right of Private Practice Scheme of the ACT Department of Health.

**Division 4.2.1 Linguistic Availability/Performance Allowance (LAPA)**

**266 General**

- (1) Staff whose duties involve communication on a regular basis in languages other than English (including Deaf Oral language, Deaf Sign language and Aboriginal languages) are eligible for payment of LAPA, if their language competence meets the required level.
- (2) Eligible part-time staff are entitled to receive LAPA on a pro-rata basis.

- (3) Staff who are classified as an Interpreter or Translator are not eligible for LAPA.
- (4) LAPA is payable during paid personal leave, recreation leave and Long Service Leave (pro rata, where appropriate), but not during any other period of leave.

## **267 Required standard of language competence**

- (1) The required standard of language competence is accreditation at National Accreditation Authority for Translators and Interpreters (NAATI) Level 1.
- (2) The Chief Executive should arrange accreditation testing, and pay any associated fees, for staff being considered for LAPA. Accreditation is organised by NAATI.
- (3) Where assessment in a language is not offered by NAATI, the Chief Executive may approve assessment by another individual or body.
- (4) The individual or body must have—
  - (a) the necessary expertise to assess the language skills; and
  - (b) sufficient knowledge of NAATI levels and competencies required to determine the appropriate rate of LAPA.
- (5) Until such time as recognition by NAATI or an alternative is available the Chief Executive may approve the payment of LAPA on the certification of the staff member's supervisor.

## **268 Rates payable**

- (1) The rates, payable under this section, depend on the staff member's qualification.
- (2) Where payment is approved by the Chief Executive, on certification of the staff member's supervisor (in accordance with section 267) LAPA rate 1 (in table 268) is payable.

- (3) Where the staff member is accredited at NATTI Level 1 LAPA rate 1 (in table 268) is payable.
- (4) Where the staff member is accredited at NATTI Level 2, or any other higher NATTI level, LAPA rate 2 (in table 268) is payable.
- (5) The Chief Executive will adjust rates in accordance with increases in Agency salary which become effective after 9 July 1998.

**Table 268      Base LAPA rates (at 9 July 1998)**

column 1	column 2
LAPA rate 1	\$618 p/a
LAPA rate 2	\$1,235 p/a

- (6) LAPA may be paid from the date of application, or from the date at which the Chief Executive determines the need for the language has been demonstrated.

## **269      Review**

- (1) Chief Executives should review the payment of LAPA annually or whenever the employment status of staff receiving LAPA changes (eg on promotion or temporary transfer).
- (2) Reviews should address whether there is a continuing need for communication in a language other than English.

## **Division 4.2.2      First Aid Allowance**

### **270      General**

- (1) Chief Executives should determine the number of staff required to render first aid and the level of first aid qualification required. (Different levels of qualification may be necessary in a workshop compared to an office).



- (2) Officers who are suitably qualified and who are selected to be first aid officers at work are entitled to be paid a First Aid Allowance through salary on each payday.
- (3) First Aid Allowance is payable only if the relevant first aid qualification is current.
- (4) Where qualifications held by staff receiving the allowance are not current, the relevant Chief Executive may allow a short period to allow for re-qualification.

## **271 Rates payable**

- (1) The rates, payable under this division, depend on the staff member's first aid qualification.
- (2) These rates should be paid in full to part-time staff.
- (3) The Chief Executive will adjust rates in accordance with increases in Agency salary which become effective after 9 July 1998.
- (4) The weekly allowance rate payable (at 9 July 1998) is:

### **Base Level**

A Certificate awarded by a Registered Training Organisation that is accredited to deliver First Aid training. This would normally be based on a minimum of 8 hours training and would include the following:

- Expired air (EAR)
- Cardiopulmonary resuscitation (CPR)
- Life threatening emergencies and
- General minor first aid treatment

or

**Advanced Level**

This would normally be based on a minimum of 18 hours training and build on the base level training outlined above and provide training in first aid management and procedures in a workplace environment. \$8.74

or

**Occupational or specialist level**

This would normally be based on a minimum of 30 hours training and build on the advanced training outlined above. The training required to meet this level will include the ability to competently render first aid in the workplace in the context of the Occupational Health and Safety legislation. \$10.46

- (5) The allowance must not be included in salary for overtime or penalty payments.
- (6) Where an officer holds more than one first aid certificate, they are entitled to be paid an allowance for only one of those certificates, being the certificate for which the higher rate of allowance is payable.

**272 Payment during absences**

- (1) An officer entitled to First Aid Allowance continues to be entitled during—
  - (a) long service leave, paid maternity leave or recreation leave; and
  - (b) paid personal leave or other leave with pay - for up to one month.

- (2) Where leave is on reduced pay or without pay, the allowance must be proportionately reduced or withdrawn as the case requires.
- (3) The allowance is included in salary for payment in lieu of long service and recreation leave.

### **273 Relief First Aid officer**

Where an officer who normally undertakes first aid functions is absent and another officer who is qualified in first aid undertakes all the duties for which the allowance is paid, the relieving officer is entitled to be paid the rate of allowance for qualifications held.

### **274 Qualifications recognised**

- (1) First Aid Allowance is based on possession of qualifications issued by a Registered Training Organisation with an accredited course, that has the capacity to deliver, assess and issue qualifications for nationally recognised training in First Aid.
- (2) Qualifications awarded by the following organisations are also recognised as equivalent to a qualification awarded by a Registered Training Organisation:
  - (a) any priory of the Order of St John in any British Commonwealth country;
  - (b) the St Andrew's Association;
  - (c) the Sovereign Military Order of St John of Jerusalem and Malta (Irish Association);
  - (d) the St John Ambulance Brigade of Ireland;
  - (e) the British Red Cross Society;
  - (f) Nursing Aide Certificates awarded by nurses registration authorities (provided the staff member holding the certificate is registered but not working as a full-time nursing aide);

- (g) any organisation listed on the National Training Information Service (NTIS) as a registered training organisation for First Aid.

## **275 Nurses**

- (1) An allowance may be paid to an officer as if they hold a Level 3 or equivalent award where the officer has been selected in accordance with this division, or where the officer—
  - (a) holds a Certificate of General Nursing issued by a nurses registration authority; or
  - (b) is included on a nursing register and is not working full-time as a nurse; or
  - (c) holds a Medical Trade Certificate issued by the Australian Defence Force.

## **276 Reimbursement of costs**

The relevant Chief Executive may reimburse fees for renewal of qualification and/or relevant courses incurred by an officer eligible for an allowance under this division.

## Part 4.3                      Increments

### 277                      Application—pt 4.3

This part applies to officers, unless otherwise stated.

### 278                      Entitlement to increment of salary

- (1) If a scale of rates of salary apply to an officer or employee that officer or employee is entitled to be paid appropriate increments.
- (2) An officer or employee, other than a junior officer or employee, is entitled to be paid an increment of salary after they have been paid at or above the same salary point for twelve months.
- (3) A junior officer or employee is entitled to one increment on each birthday until they are 21 years of age.

### 279                      Promotion following HDA

If an officer is promoted to an office and has previously received HDA at the same or higher classification as that office, the higher duties service must be included when determining the increment date and salary point on promotion.

### 280                      Broken periods of service

- (1) Broken periods of performing higher duties may be counted towards an increment if, for the first increment the officer has performed the higher duties for twelve months, either continuously or in broken periods of service, during the immediate preceding two years or two years in the immediate preceding four years or three years in the past six years (*'the 1 year in 2 year rule'*).
- (2) A second increment may be granted for performance of two years higher duties in the past four if the first increment has been paid for

twelve months. The 1 year in 2 rule applies if the previous increment has been paid for twelve months).

- (3) A teacher employed on a casual basis is entitled to incremental advancement on the completion of each 200 days of service.

#### **281 Deferral of increments—General**

- (1) The relevant Chief Executive may defer incremental advancement for an officer based on the officer's—
  - (a) diligence; or
  - (b) efficiency; or
  - (c) attendance for duty.
- (2) An order to defer an increment must be in writing before the date the increment is due and be for a specified period not greater than twelve months.
- (3) A copy of the order and a statement of the reasons for the order must be given to the officer.
- (4) If an increment has been deferred for less than six months, the officer concerned may apply to the relevant Chief Executive within that period to reconsider the deferral.

#### **282 Deferral of increments—Effect of leave without pay not to count as service**

- (1) If an officer or employee takes leave that does not count as service which aggregates to one or more working months in a calendar year, then the date on which an increment falls due, is deferred by one month for each completed month of absence or each completed month of aggregated absences.
- (2) For the purpose of this section, '*one working month*' has the same meaning as set in section 364.

**283      Reduction in classification by consent**

If an officer transfers by written consent to an office of a lower classification, they must be placed on the minimum of the salary range applying to the lower classified office and then receive increments in accordance with previous higher duties and substantive service using the '1 year in 2 year' rule detailed in section 280.

**284      Increments for part-time officers and employees**

- (1) A part-time officer is entitled to increments after twelve months service at that office or higher.
- (2) 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 div 3.10.4, where an independent reviewer is remunerated according to daily and hourly rates and no increments are specified.

## Part 4.4 Higher duties

### 285 Application—pt 4.4

This part applies to officers who are directed to perform higher duties.

### 286 Interpretation—pt 4.4

In this part:

*fixed salary* means a single point on a scale applicable to a classification.

*Higher Duties Allowance* (or *HDA*) means the allowance paid to an officer who is directed to perform the duties of a higher office.

*higher office* means an office for which the rate of salary or, in the case of an office with a scale of rates the minimum rate of salary exceeds the rate of salary or the minimum rate of salary of the normal office.

*substantive* means the level of salary applicable to the office to which an officer has been either promoted or appointed.

### 287 Higher duties allowance

- (1) HDA is payable to an officer who is directed in writing by the relevant Chief Executive under the Act, section 100 or section 101 to perform the duties of an office higher than their normal office.
- (2) An officer performing higher duties in an office is subject to all conditions of that office including hours of duty as if they had been promoted to that office.
- (3) Unless otherwise provided for in the Standards, HDA must be treated as salary for all purposes including overtime, holiday duty,



shift penalties, weekend duty, long service leave, personal and recreation leave subject to written advice of continuation.

- (4) An officer may only be paid in respect of one higher office even if they are performing the duties of two higher offices at the same time.

### **288 Periods when HDA is payable**

- (1) The minimum period for payment of HDA is five days for officers acting in an office with a salary or maximum salary greater than the maximum salary of the ASO Class 6.
- (2) A public holiday at the start or end of the five day period does not count towards the minimum.
- (3) In special circumstances the Commissioner may approve payment for periods of less than five days.
- (4) The minimum period for payment of HDA in all other cases is half the ordinary hours of duty of the officer on the day.
- (5) 1/2 day must be paid as a whole day where only one day is involved.
- (6) If an officer is being paid HDA before going on paid leave and would have continued to receive HDA had they not taken leave then the officer is entitled to payment of HDA during the leave.
- (7) If an officer is being paid HDA on the working day before a public holiday and but for the public holiday would have continued to be paid HDA then the officer is entitled to payment of HDA for the public holiday, except where a public holiday would make five days for an officer as described in the first paragraph.
- (8) If a teacher being paid HDA in an isolated district at the start of recreation leave, has performed higher duties in that district for at least 12 months in the preceding two years and is not returning to that district at the end of the leave, the teacher is entitled to be paid HDA during the recreation leave.

**289 HDA increments**

- (1) An officer performing higher duties continually for more than one year may be granted an increment.
- (2) The level of increment while receiving HDA must be the level set for permanent officers.
- (3) Broken periods of HDA may also be counted towards calculation of increments as in section 280.
- (4) Where the previous increment has been paid for twelve months, further increments may be granted subject to the 1 year in 2 rule.
- (5) If an officer's substantive salary is a point in the salary range of the higher duties office, the amount of HDA payable and higher duties increment is determined as follows:
  - (a) if an officer has received their substantive salary for less than twelve months no HDA is payable until the total of the substantive and higher duties service is twelve months, HDA must then be payable at the next salary point in the higher range;
  - (b) if an officer has received their substantive salary for twelve months or more, HDA must be raised to the next increment point of the higher office. The next HDA increment must then be due when the officer has received HDA for twelve months.

**290 HDA increments not within salary range**

- (1) An officer is eligible for an HDA increment on the substantive increment date if the HDA is less than—
  - (a) the amount of the next substantive increment where they have received the substantive salary for less than twelve months; or
  - (b) the amount of the next HDA increment where they have received a fixed substantive salary for less than twelve months.

- (2) An officer is eligible to be paid at the point above the next highest salary point in the new range immediately if the HDA is less than—
  - (a) the next substantive increment and the officer has received the maximum substantive salary for more than twelve months; or
  - (b) the next HDA increment and the officer has received a fixed substantive salary for more than twelve months.
- (3) An officer is eligible to receive an HDA increment after twelve months service in the higher office if the HDA is equal to or more than—
  - (a) the next substantive increment; or
  - (b) the next HDA increment and the officer has received a fixed substantive salary for less than twelve months; or
  - (c) the next HDA increment and the officer has received a fixed substantive salary for more than twelve months.

## **291 HDA and discipline**

If an officer's classification is reduced as a result of disciplinary action, service before the demotion is not counted towards an increment for any higher duties the officer performs after demotion.

## Part 4.5                      Reimbursement of reasonable relocation expenses

### 292                      Application—pt 4.5

- (1) At the discretion of the Chief Executive, this part may apply to an officer or employee who, because of ACT Public Service work requirements, is required temporarily or permanently to—
  - (a) relocate their residence to the ACT; or
  - (b) relocate their residence outside the ACT.
- (2) This part does not apply to relocation expenses for Chief Executives and Executives, and Specialists and Senior Specialists.
- (3) Entitlements in relation to relocation expenses for Chief Executives and Executives, and Specialists and Senior Specialists are derived from the Remuneration Tribunal Determination applicable to Chief Executives and Executives.
- (4) This part does not apply to an officer who was granted approval, prior 27 September 2001, to be paid an allowance under the provisions that applied prior to 27 September 2001.
- (5) Where approval was granted, prior 27 September 2001, for an allowance to be paid to an officer under the provisions that applied prior to 27 September 2001, the officer will continue to be eligible to receive payment under those provisions.

### 293                      Interpretation—pt 4.5

In this part:

*dependant* means a member of the officer or employee's immediate household ordinarily residing with them, irrespective of their financial dependency.

*specialist* is as defined from time to time in part 3.10.

## 294 Payments

- (1) A Chief Executive may approve reimbursement of actual, reasonable, receipted or otherwise substantiated costs necessarily incurred by an officer or employee in relocating his or her residence, up to the amounts set out in table 294.

**Table 294**

column 1 Description	column 2 Ceiling
No dependants	\$10,000
Additional payment per dependant, for 1 to 6 dependants	\$1,700
Additional payment per dependant thereafter	\$1,500

- (2) A Chief Executive may approve the reimbursement of relocation related costs in excess of the above amounts in exceptional circumstances.

## Part 4.6                      Camping allowance

### 295                      Application—pt 4.6

- (1) Camping Allowance and Camping Outlay Allowance are payable, subject to various qualifying conditions for different levels of allowances, to officers who as members of an ACTPS camping party are required to camp out and are not staying in commercial lodgings where TA is payable.
- (2) Camping Allowance is payable for each night under camping conditions.
- (3) This part does not apply to an officer who has been authorised by the relevant Chief Executive to reside in lodgings.

### 296                      Interpretation—pt 4.6

In this part:

***camping*** means an officer staying in a type of accommodation where they are required to camp out and not stay in commercial lodgings.

***established or base camp*** means a camp in which there are caravans, huts or tents for sleeping and usually for messing; water for washing clothes and bathing; and a kitchen with a refrigerator and other amenities.

### 297                      Eligibility

- (1) Camping Allowance (***CA***) and Camping Outlay Allowance (***COA***) are payable to an officer who is required to camp out or is employed in a camping party and is camping out.
- (2) An officer assisting temporarily in a camping party, or replacing a member of a camping party who is on recreation leave or absent for

any other reason, is entitled to be paid Camping Allowance if they stay in the camp.

## **298 Rates**

- (1) An eligible officer is entitled to an allowance—
  - (a) if a cook is provided by the agency—at the daily rate specified opposite item 1 in table 302, column 2; and
  - (b) if a cook is not provided by the agency—at the daily rate specified opposite item 2 in table 302, column 2.
- (2) Where an officer to whom this section applies is entitled to an allowance in accordance with that section, if they camp out in excess of seven days, they will also be entitled to an additional allowance for the period which is—
  - (a) if less than fourteen days—the amount specified in item 1 in table 303, column 2;
  - (b) if not less than fourteen days but is less than 21 days—the amount specified in item 2 in table 303, column 2; and
  - (c) any other case—the amount specified in item 3 in table 303, column 2.
- (3) Where an officer is not supplied with camping equipment by the agency and they hire it, in addition to the allowance under this section, they are entitled to be paid an allowance equal to the cost of hiring the equipment.
- (4) Where an officer is required to move from camp to camp and where they are not staying in a base camp, a caravan or a hut, then an additional allowance is to be paid at—
  - (a) the nightly rate specified in item 3 in table 302, column 2, if the period of camping out is more than one night but not more than five consecutive nights; and

- (b) the nightly rate specified in item 4 in table 302, column 2, if the period is not less than six consecutive nights.

## **299 Payment of fares**

- (1) Where a member of a camping party travels to and from home each day (without CA, or without claiming reimbursement for travel under part 7.1), the fare for their travel may be refunded provided that—
  - (a) the cost is not greater than the amount payable for CA or reimbursement for reasonable travel expenses as determined under part 7.1; and
  - (b) the approval of the officer directly responsible for the camping party is first obtained.
- (2) No allowance for travelling time or waiting time is payable under this section.

## **300 Recreation or other leave**

- (1) If a member of a camping party receiving CA goes on recreation or other leave (except personal leave) with or without pay, the allowance should be discontinued during the leave.
- (2) Where a member of a camping party goes on recreation leave and is unable to reach headquarters (where the leave will commence) on the day of leaving camp and an overnight stay in a hotel or motel is necessary, the officer should be reimbursed for reasonable travelling expenses for the journey from the camp to headquarters, and for the return journey, under the conditions set out in part 7.1.
- (3) Except as provided in this part, Camping Allowance must not be paid—
  - (a) during a weekend and public holidays comprising more than four consecutive days; or



- (b) on any days on which the member is on leave with or without pay.
- (4) Where a member of a camping party desires to leave camp and visit home for weekends or public holidays, and provided the agency incurs no expense for transport, Camping Allowance may be continued during the absence from camp.
- (5) A member of a camping party who during the period from Christmas Day to New Year's Day inclusive complies with the conditions of this Part may continue to receive Camping Allowance for weekends and public holidays during that period but not for any days on which the officer is on leave with or without pay.
- (6) A member of a camping party receiving CA who goes on personal leave is covered by part 4.17 (Personal Leave).
- (7) If a member of a camping party while in camp is granted personal leave, CA may be continued for a period not exceeding one month if the member remains in camp or incurs expense for board and lodging in the same locality as the camp.
- (8) If a member of a camping party covered by this part returns home or travels to a hospital, the fares to home and return to duty should be met by the agency.
- (9) If the officer travels to a hospital, fares to and from the nearest hospital should be paid under the conditions of this part, provided that there is no hospital at the specified headquarters of the party.
- (10) An allowance should be paid for the journey to and from home or hospital, at the rate that would have been payable had the officer been on duty during the period covered by the journey; and for the period in hospital, where the hospital is situated away from their home town or headquarters.

- (11) For the period covered by this section, an officer should be in precisely the same position as if remaining on duty with the party. (For example, if the party was in camp during the member's absence, the allowance would be payable. If the party was part in camp and part in lodgings, CA would be calculated on that basis).
- (12) Fares to and from an officer's home should not be paid under this section if the department considers it unreasonable, having regard to (for example) the distance to be travelled by the officer and the nature and likely duration of the illness.

### **301 Field Allowance**

An officer is entitled to be paid a field allowance in the circumstances, and according to the conditions and rates, set out in revoked Determination 1983/10 made under the *Public Service Act 1922* (Cwlth) (repealed) as if the relevant parts of that Determination were part of this Standard and as if references to officers, Secretaries and other persons, bodies and things were references to the persons, bodies and things under the Act and Standards that most nearly correspond to their Commonwealth counterpart.

### **302 Rates of camping allowance**

**Table 302**

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>Rate of allowance with effect 1/6/95</b>
1	\$ 19.53 per day
2	\$ 32.64 per day
3	\$ 6.23 per night
4	\$ 12.46 per night

### **303 Rates of camping out allowance**

**Table 303**

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>Rate of allowance in respect of each trip with effect</b> <b>1/6/95</b>
1	\$ 39.20 per day
2	\$ 78.40 per day
3	\$117.60 per night

## **Part 4.7                      Motor vehicle allowance**

### **304            Application—pt 4.7**

This part applies to officers or employees unless specifically excluded.

### **305            Use of private vehicle for official purposes**

- (1) A Chief Executive may authorise an officer to use a motor vehicle that they own or hire, for official purposes, if they are satisfied that this would—
  - (a) result in greater efficiency; or
  - (b) involve the ACT Government in less expense than if public transport or a vehicle owned by the ACT Government were used.
- (2) The relevant Chief Executive should specify the period for which this section applies.
- (3) If an officer uses a motor vehicle in accordance with this part they are entitled to be paid an allowance in accordance with section 309 for each kilometre travelled.
- (4) If an officer satisfies the relevant Chief Executive that the allowance to which they are entitled under this part, is insufficient to meet the amount of the expenses reasonably incurred and paid by the officer in using a motor vehicle for official purposes, the Chief Executive may grant an additional allowance equal to the amount by which those expenses exceed the amount of the allowance or allowances.
- (5) If, as a consequence of using a motor vehicle in accordance with this part, an officer is required to pay a higher insurance premium than would otherwise be the case, they are entitled to be reimbursed the additional cost.

- (6) Any money received by an officer under this part or a provision of the Act in respect of the use of a motor vehicle is not intended to be payment for hire, a reward or other consideration within the meaning of any State or Territory law relating to motor vehicles, transport or traffic.

### **306 Use of private vehicle for specified journeys**

If an officer has not been authorised under this part to use a motor vehicle for official purposes, the relevant Chief Executive may grant the officer permission to use a motor vehicle owned or hired by the officer for a specified journey, providing that the relevant Chief Executive is satisfied that—

- (a) the use will not result in the officer taking more time on the journey than they would otherwise take; or
- (b) it would not be contrary to the interests of the ACT Government.

### **307 Travel to temporary work station**

A Chief Executive may authorise the use of a private motor vehicle for travel between normal headquarters and a temporary station, or between the staff member's home and the temporary station, where the relevant Chief Executive is satisfied that—

- (a) there is no public transport available for travel to the temporary station; or
- (b) although public transport is available, the work program makes its use impossible.

### **308 Rates**

- (1) An officer who uses a motor vehicle in accordance with this part, is entitled to be paid an allowance for each kilometre travelled at a rate calculated in accordance with section 309.

- (2) If an officer who is being paid an allowance under this part, uses a motor vehicle to suit the convenience of an agency to—
- (a) transport a person or persons the cost of which would otherwise be borne by the ACT Government; or
  - (b) transport equipment, tools or materials weighing more than 100 kilograms belonging to or hired by the ACT Government; or
  - (c) haul a caravan or trailer belonging to or hired by the ACT Government;
- they are entitled to be paid an allowance set out in section 310 in addition to the allowance otherwise payable under the conditions of this part.
- (3) Staff using a private motor vehicle under (Motor Vehicle Allowance) conditions may be reimbursed parking fees (not fines), bridge and car-ferry tolls incurred on duty.
- (4) Officers may be entitled to payments under this part on appointment to the Service, or on transfer, as determined by the Commissioner.
- (5) The amount of allowance(s) which may be paid in accordance with this part is to be reduced by the amount of any allowance payable under the terms of the *Australian Government Employment Isolated Establishment Allowance Award 1989*.
- (6) If the amount payable under that Award exceeds the amount that would otherwise be payable under this part, then no allowance may be authorised under this part.

### **309 Motor vehicle allowances rates schedules**

The rates per kilometre set out in table 309 are effective on and from 19 April 2009.

**Table 309**

<b>column 1</b> <b>Description</b>	<b>column 2</b> <b>Engine capacity of car with non-rotary engine</b>	<b>column 3</b> <b>Engine capacity of car with rotary engine</b>	<b>column 4</b> <b>Rate per kilometre</b>
Small car	1600cc (1.6 litre) or less	800cc (0.8 litre) or less	63.0 cents
Medium car	1601cc-2600cc (1.601 - 2.6 litre)	801cc-1300cc (0.801 - 1.3 litre)	74.0 cents
Large car	2601cc (2.601 litre) and over	1301cc (1.301 litre) and over	75.0 cents

### **310 Additional rates of motor vehicle allowance**

Additional motor vehicle allowance for the carriage of passengers or goods is 0.63 cents per kilometre for each kilometre travelled.

## Part 4.8                      Rental for ACTPS housing

### 311                      Application—pt 4.8

An officer or an employee of the ACTPS who lives in an ACTPS dwelling must pay rental contributions in accordance with this Standard, unless specifically excluded.

### 312                      Interpretation—pt 4.8

In this part:

*ACTPS dwelling* means a house, townhouse, home unit or flat owned or occupied by the ACTPS.

*reasonable travelling distance* means a distance of up to 30 kilometres measured from the urban boundary.

### 313                      Rental contribution

An officer who lives in an ACTPS dwelling must pay a rental contribution (towards his or her accommodation) from their salary.

### 314                      Calculation of rental contribution

- (1) An officer must pay a rental contribution determined by their salary, as specified in table 316, column 1; and
  - (a) if the officer has no dependents, the amount of rental contribution is as listed in table 316, column 2; or
  - (b) if the officer is accompanied by dependents, the amount of rental contribution is as listed in table 316, column 3; or
  - (c) if the officer has dependents but is unaccompanied, the amount of rental contribution is the amount listed in table 316, column 2 (two-thirds of the amount listed in column 3).



- (2) An officer should pay no more than 10 percent of salary as rental contribution if their duty includes supervision or general control over personnel or property outside their ordinary hours of duty at, or around, the location of the ACTPS dwelling in which they reside.
- (3) If an officer shares the same ACTPS dwelling with one or more officers, the officer should pay the normal rent divided by the number of officers occupying the dwelling.

### **315 Increase or decrease in contribution**

- (1) An officer who has been promoted must pay rental contributions at the higher rate of salary from the date of effect of the promotion, even if the officer was entitled to be paid at the higher rate of salary earlier than the date of effect of the promotion.
- (2) The relevant Chief Executive must determine the new amount of rental contribution of an officer who becomes entitled to be paid an annual salary at a higher rate, other than by promotion, as soon as practicable, but within 13 weeks of the date the officer becomes entitled to the higher salary.
- (3) The new amount of rental contribution is effective from the date the Chief Executive determines the new amount payable.
- (4) The relevant Chief Executive may reduce an officer's contribution in whole, or part by certifying in writing that the location of an officer, or officers, in a particular location is critical to the operating efficiency of the agency.
- (5) The relevant Chief Executive should consider—
  - (a) the incidental obligations of the officer (eg: after-hours caretaking or responsibility for staff or official property); or
  - (b) the remoteness of the locality from significant population centres; or
  - (c) the extent to which subsidised housing is required to ensure adequate staff levels; or

- (d) the availability of private rental accommodation; or
- (e) the length of time for which an officer is transferred; or
- (f) the personal circumstances of the officer; or
- (g) the level of the costs arising from the officer's transfer; or
- (h) the circumstances in which a transfer has taken place; or
- (i) the condition of the ACTPS dwelling; or
- (j) any other relevant matter.

**316 Rental contributions for accommodation in ACTPS housing—rates payable by officers (excluding officers with, but unaccompanied by, dependents)**

**Table 316**

column 1 Range of annual salary payable to the officer	column 2		column 3
	Rate per week of rental contribution for accommodation in ACTPS housing		
	Officer without dependants	Officer accompanied by dependants	
\$	\$		\$
Below 20,000	51.00		76.00
20,000 - 21,999	52.00		78.00
22,000 - 23,999	55.00		82.00
24,000 - 25,999	57.00		86.00
26,000 - 27,999	60.00		90.00
28,000 - 29,999	63.00		94.00
30,000 - 31,999	65.00		98.00

<b>column 1</b>	<b>column 2</b>	<b>column 3</b>
<b>Range of annual salary payable to the officer</b>	<b>Rate per week of rental contribution for accommodation in ACTPS housing</b>	
	<b>Officer without dependants</b>	<b>Officer accompanied by dependants</b>
32,000 - 33,999	68.00	102.00
34,000 - 35,999	71.00	106.00
36,000 - 37,999	73.00	110.00
38,000 - 39,999	76.00	114.00
40,000 - 41,999	79.00	118.00
42,000 - 43,999	81.00	122.00
44,000 - 45,999	84.00	126.00
46,000 - 47,999	87.00	130.00
48,000 - 49,999	89.00	134.00
50,000 - 51,999	92.00	138.00
52,000 - 53,999	95.00	142.00
54,000 - 55,999	97.00	146.00
56,000 - 57,999	100.00	150.00
58,000 - 59,999	103.00	154.00
60,000 - 61,999	105.00	158.00
62,000 - 63,999	108.00	162.00
64,000 - 65,999	111.00	166.00
66,000 - 67,999	113.00	170.00
68,000 - 69,999	115.00	173.00
70,000 and over	119.00	178.00

## Part 4.9 Isolated establishment allowance

### 317 Application—pt 4.9

This part applies to an officer who is required to travel to an isolated establishment to attend duty.

### 318 Interpretation—pt 4.9

In this part:

*isolated establishment* means an isolated establishment specified in table 322, column 1.

### 319 ACTPS non-urban isolated establishments

- (1) The rates of Isolated Establishment Allowance are specified in table 322—
  - (a) the full rate in column 3; and
  - (b) the partial rate in column 2.
- (2) Isolated Establishment Allowance is payable for each day an officer attends duty.
- (3) An officer is entitled to be paid the full rate of Isolated Establishment Allowance for each continuous period of duty if they do not travel at ACTPS expense and—
  - (a) travel to an isolated establishment to attend for a period of normal duty; or
  - (b) have been directed to return to duty, with or without prior notice, to perform extra duty.
- (4) An officer who meets the requirements of this part but travels at ACTPS expense on the journey either to or from the establishment, is entitled to be paid only at the partial rate.

**320 Non-eligibility**

An officer who lives in a dwelling provided by the ACTPS at the establishment, or very close to it, is not entitled to this allowance unless they—

- (a) receive a payment for the use of private motor vehicle for official purposes; or
- (b) receive a payment by way of excess fares while temporarily performing duties away from headquarters; and
- (c) the rate of payment exceeds the isolated establishment allowance payable.

**321 Special conditions**

If an officer receives any payments by way of allowances under section 320 and the payment is less than the Isolated Establishment Allowance, they are entitled to be paid the difference between the payment received and the Isolated Establishment Allowance.

**322 Isolated establishment allowance rates—non-urban establishments**

**Table 322**

<b>column 1</b> <b>Establishment</b>	<b>column 2</b> <b>Partial Rate</b>	<b>column 3</b> <b>Full Rate</b>
Birrigai School	6.20	12.40
Googong Foreshores	2.19	4.38
Googong Water Treatment Plant (NSW)	3.20	6.40
Hall Primary School	1.18	2.36
Jervis Bay Primary School	2.46	4.92

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<b>column 1</b> <b>Establishment</b>	<b>column 2</b> <b>Partial Rate</b>	<b>column 3</b> <b>Full Rate</b>
Kowen Forest Depot	2.70	5.39
Lanyon (including Nolan Gallery)	2.90	5.80
Lower Molongo Water Treatment Plant	1.18	2.36
Mount Stromlo Water Treatment Plant	2.02	4.04
Namadgi National Park	11.56	23.12
Namadgi Visitors Centre	4.55	9.10
Pierces Creek Forest Depot	4.38	8.76
Tharwa Primary School	3.61	7.21
Tidbinbilla Nature Reserve Depot	8.46	16.92
Uriarra Forest	4.72	9.44
Uriarra Primary School	5.73	11.46
Weighbridge, Tralee Street, Hume	1.18	2.36

## **Part 4.10                      Payments other than salary or allowances**

### **Division 4.10.1            General payments**

#### **323            Application—div 4.10.1**

This division applies to officers, Chief Executives or Executives and, where indicated, to other employees.

#### **324            Interpretation—div 4.10.1**

In this division:

*incidental expenses* means—

- (a) the cost of non-refundable accommodation, travel deposits and advance fares paid or purchased in respect of an officer and dependants;
- (b) non-refundable rent paid for accommodation not used; and
- (c) other expenses incurred as a result of cancellation of leave or recall to duty.

*leave* means approved recreation leave, long service leave, or leave of a similar nature applying to an officer.

*life insurance policy* means a policy of life insurance within the meaning of the *Life Insurance Act 1995* (Cwlth).

*loading* means a payment additional to a normal insurance premium.

*officer* includes an employee engaged under the Act, division 5.7.

*travel expenses—*

- (a) in the case of an officer recalled to duty from a locality other than their normal place of residence and who resumes the residue of their leave at a locality other than their normal place of residence—means the cost of conveyance of the officer; and
- (b) in the case of an officer recalled to duty from a locality other than their normal place of residence—means the amount of the cost of conveyance of the officer to travel to the place of duty in excess of the cost which the officer would have ordinarily incurred in returning to their normal place of residence had the officer not been recalled to duty from leave.

**325 Indemnification**

- (1) If an officer pays a premium for a life insurance policy on their life that includes a loading because of the officer's occupation, a Chief Executive may reimburse the officer with an allowance equal to that loading.
- (2) The beneficiary of an insurance policy or the legal personal representatives of an officer's estate may be indemnified where a personal life insurance policy held by an officer is invalidated, or otherwise made inoperative, on death as a direct result of their ACT Government employment or the circumstances in which the officer worked.

**326 Loss or damage to clothing or personal effects**

- (1) If an officer incurs loss of, or damage to, clothing or personal effects, a Chief Executive may accept that the loss or damage is attributable to the officer's work and approve payment for the loss or damage.
- (2) If an officer is entitled to recover the amount of the loss or damage sustained under a contract of insurance, approval for payment must not be given.



- (3) Nothing in this part, apart from these provisions, affects an officer's right, to recover damages from the ACT Government, or from any other person in respect of the loss or damage.
- (4) If an officer is paid an amount under this part and then recovers damages equal to or greater than the amount paid under this part for the loss or damage, an amount equal to the amount paid under this part, is recoverable from the officer as a debt due to the ACT Government.

**327 Expenses—cancellation of leave or recall to duty from leave**

- (1) For the purposes of this section, officer includes a Chief Executive and an Executive.
- (2) If an officer's leave is cancelled without reasonable notice, or an officer is recalled to duty from leave, the relevant Chief Executive must approve reimbursement of incidental expenses which the officer cannot recover under any insurance policy or from any other source, and for travel expenses except those covered by this part.
- (3) If a Chief Executive authorises an officer to use a motor vehicle owned or hired by the officer to return to duty on recall from leave or return to resume the residue of any leave after a temporary recall to duty from leave, the officer is entitled to be paid motor vehicle allowance in accordance with the Standards for the travel undertaken.

**328 Family care costs**

- (1) For the purposes of this section, an officer includes a Chief Executive and an Executive.
- (2) If an officer is directed to work outside his or her regular pattern of work, the Chief Executive must authorise reimbursement to the officer, on production of a receipt, for some or all of the costs of additional family care arrangements.

## Division 4.10.2 Vacation childcare program

### 329 Application—div 4.10.2

- (1) This division applies to—
  - (a) an officer who has school aged children; or
  - (b) an employee engaged under the Act, division 5.7 that has been employed by the Territory for a period of at least 12 months and has school aged children.
- (2) This division does not apply where an officer's domestic partner receives a similar benefit from his or her employer.

### 330 Interpretation—div 4.10.2

In this division:

*accredited school holiday program* is a program approved and/or subsidised by a State, Territory or Local Government.

*employee* means an employee engaged under division 5.7 who has been employed by the Territory for a period of at least 12 months.

*officer* includes a Chief Executive and an Executive.

### 331 Payment for vacation childcare program

- (1) If an officer or employee applies for recreation leave, purchased leave or long service leave during school holidays, and that leave is not approved, the Chief Executive must approve payment to the officer or employee for each calendar year based on—
  - (a) \$20 per day towards the cost of each school child enrolled in an accredited school holiday program; and
  - (b) up to a maximum of \$100 per child per 5 days; and
  - (c) up to a maximum of 10 days per child per year; and

- (d) up to a maximum of 3 children; and
  - (e) reimbursement on production of a receipt.
- (2) The payment will only apply on the days when the officer or employee is at work.
- (3) The payment will be made regardless of the length of time the child is in the school holiday program but the payment cannot exceed the actual cost incurred.

## **Part 4.11                      Attendance and absence**

### **332                      Application—pt 4.11**

This part applies to officers and employees.

### **333                      Interpretation—pt 4.11**

In this part:

*officer* includes an employee.

### **334                      Hours of attendance**

- (1) The ordinary hours of attendance required of officers must be, unless prescribed otherwise, 38 hours per week.
- (2) A Chief Executive, with the consent of an officer, may direct that the officer be a part-time officer by directing that—
  - (a) the officer work a number of part-time hours; or
  - (b) the officer work hours as specified in an Award for the relevant category of staff.
- (3) The hours of attendance for a teacher must be 36 hours and 45 minutes per week for those matters in which weekly hours of duty are relevant.
- (4) If an officer cannot perform their ordinary weekly hours the Commissioner may reduce that officer's ordinary weekly hours to suit the circumstances.
- (5) If circumstances of public business or the duties of an officer do not allow that officer to attend for the ordinary hours, the relevant Chief Executive may specify other ordinary weekly hours for the officer including for shiftwork.

**335      Penalty rate and overtime**

- (1) If an officer, without at least seven days notice, is required to work ordinary duty outside the rostered hours of duty, payment to that officer will be at the appropriate overtime rate (this may include higher duties) for work done outside the rostered hours of duty and at the ordinary rate for work performed within the normal rostered shift.
- (2) This penalty rate is in substitution for any other penalty which would otherwise be paid to that part of the work which falls outside the normal rostered shift.
- (3) This payment will continue for each changed shift until the seven days notice period of change of shift has been reached.
- (4) This penalty rate is not payable if an agency cannot give at least seven days notice to an officer because of the sickness or absence of another officer and the agency did not have seven days notice of that sickness or absence.
- (5) If an officer is instructed to cease work during a rostered shift and to complete the balance of the shift later in the day, no deduction will be made from the ordinary days pay for the break in work.
- (6) Overtime is payable for the hours worked after ordinary rostered finishing time.
- (7) If an officer is directed to work more or fewer hours than the ordinary weekly hours, the hours specified must result in the officer's attendance over two or more consecutive weeks equalling the aggregate of the ordinary weekly hours for that period.

**336      Duty after office hours**

A Chief Executive may direct an officer to work outside normal office hours because of work demands, and the Chief Executive must comply with any relevant Award provisions relating to overtime and emergency duty.

**337 Recording attendance times**

- (1) An officer must record the time of their arrival and departure to and from the workplace each day at the actual time they arrive or depart unless they temporarily leave the workplace during normal working hours on official business.
- (2) Unless otherwise provided by this part, this does not apply to—
  - (a) officers who, by reason of their rate of pay are not entitled to overtime duty and those who have been exempted due to work requirements, by the relevant Chief Executive in consultation with the Commissioner; and
  - (b) any other officer or class of officer who has been exempted due to work requirements, by the Commissioner.
- (3) However, the exemption specified in subsection 2 (a) does not apply to an officer that participates in flextime or similar arrangements for flexible working arrangements under an agency certified agreement or industrial instrument.
- (4) The exemption of any officer from this section does not authorise them to be absent from duty or leave their place of duty within ordinary weekly hours except on official business.

**338 Notification of absences**

- (1) An officer must report an unauthorised absence from duty to the relevant officer in charge within a reasonable time.
- (2) An officer is in breach of this Standard if the officer—
  - (a) falsely records their time of arrival or departure at their place of work; or
  - (b) arrives at work later than ten minutes after the required time and does not report to the relevant officer in charge or, on reporting, cannot provide a satisfactory explanation for their late arrival; or

- (c) commences duty later or ceases duty earlier than the time in which they are required including meal breaks; or
  - (d) is frequently late in attending for duty; or
  - (e) is absent from their place of work without the permission of the relevant officer in charge; or
  - (f) is prevented from attending work because of illness or emergency and does not report the fact to the relevant officer in charge; or
  - (g) does not attend work and cannot provide a satisfactory reason for their absence.
- (3) If an officer is on unauthorised absence from duty, the relevant Chief Executive may direct the officer to make up that time by working an equivalent time outside their normal working hours.
  - (4) No overtime or penalty payment must be paid for the time made up.

### **339 Deductions in salary for unauthorised absences**

- (1) A Chief Executive may direct that the salary of an officer must be forfeited for a period of unauthorised absence of 30 minutes or more, which is not made up for under this part, in one pay period.
- (2) A deduction from an officer's salary must be made in accordance with the relevant agency's Chief Executive Financial Instructions.

## Part 4.12 Overtime duty

### 340 Application—pt 4.12

If an officer or employee is required to work in excess of their normal hours and they are not covered by an Award or industrial agreement that deals with overtime, they are entitled to payment for overtime duty in accordance with this part.

### 341 Interpretation—pt 4.12

In this part:

*duty outside normal hours* means overtime duty and must commence before or be completed outside normal hours of duty applicable to the officer.

*normal weekly hours* has the same meaning as it does in part 4.11.

*overtime* means a period of duty which an officer performs in accordance with a direction of a Chief Executive, in addition to duty during ordinary hours, less the period, if any, for which the officer has been released from duty in lieu of payment for overtime.

### 342 Conditions for overtime duty

- (1) A Chief Executive may direct an officer to work a greater number of hours than their ordinary weekly hours in any week.
- (2) If overtime duty commences before or is completed outside ordinary hours or flextime bandwidth, the period of a meal break is not treated as a break in overtime duty.



**343 Eligibility for the payment of overtime duty**

- (1) An officer is eligible for overtime payment unless—
  - (a) they occupy, whether temporarily or permanently, an office or position where the minimum salary rate exceeds the maximum rate of Administrative Service Officer Class 6; or
  - (b) they are not being closely supervised; or
  - (c) their overtime duty hours cannot be verified; or
  - (d) their Award does not provide for the payment of overtime.
- (2) These limitations do not apply if—
  - (a) the Commissioner considers there are special circumstances and approves the payment for the overtime duty; or
  - (b) the officer is required to perform duties with another agency that—
    - (i) are in excess of the weekly normal hours; and
    - (ii) are not the normal duties of the officer, and
    - (iii) the officer is not receiving payment for the duties.
- (3) An officer who is paid below the overtime salary barrier (which is where the minimum salary exceeds the maximum ASO 6 salary) but who are ineligible for payment for overtime—
  - (a) because their overtime is not being supervised; or
  - (b) overtime duty hours cannot be verified;may be eligible for a commuted allowance instead of overtime.
- (4) The Commissioner may approve the payment of such an allowance having regard to—
  - (a) the nature of the extra work and whether it can be directed and supervised; and

- (b) the frequency of the requirement for overtime; and
  - (c) the classification of the officer concerned; and
  - (d) the periods of the year when overtime is required and worked.
- (5) The material provided to the Commissioner must include details of overtime performed over a period sufficient to establish the claim.

### **344 Calculation of payment for overtime duty**

- (1) Higher Duties Allowance (HDA) and allowances in the nature of salary are included in salary for the purposes of calculating overtime.
- (2) Overtime duty must be calculated to the nearest quarter of an hour after totalling the overtime duty periods each fortnight for payment.
- (3) If the payment of overtime duty is covered in a provision of an Award or industrial agreement, then an officer must be paid in accordance with that provision.
- (4) If no Award provisions cover overtime duty, the hourly rate payable must be calculated to two decimal places as follows:

$$\frac{\text{Annual Salary} \times 6}{313 \times \text{normal weekly hours before overtime is payable}}$$

- (5) For a public holiday, the hourly rate is multiplied by two and one half.
- (6) For a Sunday, the hourly rate is multiplied by two.
- (7) For a Saturday, for the first three hours, the hourly rate is multiplied by one and one half. After those three hours, the hourly rate is multiplied by two.
- (8) For any other period, the hourly rate is multiplied by one and one half.

- (9) If an officer performs overtime duty that is not continuous with their normal hours, they are entitled to be paid for a minimum of four hours unless—
- (a) the officer has been requested to perform restricted or emergency duty; or
  - (b) an Award or industrial agreement provision determines the payment of overtime duty; or
  - (c) it has been previously arranged with the officer under section 345 that the officer will take time off in lieu of the overtime duty performed.

**345 Time off instead of full payment for overtime duty**

- (1) An officer may be given time off duty plus part payment instead of receiving full payment for overtime duties performed.
- (2) If an officer performs a period of overtime duty and agrees to receive time off and part payment, they are entitled to be released from duty for a period not greater than the period of overtime duty.
- (3) If an officer performs a period of overtime duty on a Sunday equivalent to their normal daily hours, where practicable they should be released from duty for one of the following six days. In addition, they are entitled to payment at single time for the Sunday work.

**346 Calculating part payment**

- (1) If an officer receives time off and part payment for the overtime duty performed, the hourly rate payable for the overtime duty must be calculated to two decimal places as follows:

$$\frac{\text{Annual Salary} \times 6}{313 \times \text{normal weekly hours before overtime is payable}}$$

- (2) For a public holiday, the hourly rate is multiplied by one and a half.

- (3) For a Sunday, the hourly rate is multiplied by one.
- (4) For a Saturday, for the first three hours, the hourly rate is multiplied by a half. After those three hours, the hourly rate is multiplied by one.
- (5) For another period, the hourly rate is multiplied by a half.

**347 Eligibility for overtime duty meal allowance**

- (1) An officer is eligible to be paid a meal allowance of \$22.20 on and from 19 April 2009, or \$22.55 on and from 19 April 2010, if they—
  - (a) are required after the completion of their normal hours of duty to perform duty after a meal break and are not entitled to payment for that break; or
  - (b) perform overtime duty without a break, after the completion of their ordinary hours, up to the end of or after the meal period which occurs next after the completion of their ordinary hours; or
  - (c) perform overtime duty before their ordinary hours of duty commence and are granted a meal break before commencement and are not entitled to payment for that break. Meal periods are between 7.00 am and 9.00 am, 12 noon and 2.00 pm, 6.00 pm and 7.00 pm and 12 midnight and 1.00 am; or
  - (d) perform overtime duty on a day they are not normally required to work and, during the period of overtime duty, they have an unpaid meal break. This includes officers rostered for duty for six days and required to perform overtime duty after 2 pm after having an unpaid meal break, on their regular half day off.
- (2) An officer who is required to perform duty under subsection (1) (a), (b) or (c) is not entitled to be paid for the meal break unless the relevant Chief Executive is satisfied the officer performing that duty

cannot reasonably be expected to return home for a meal in the time allocated for the meal break.

- (3) If a three-course meal is available to the officer at a canteen, cafeteria or dining room conducted, controlled or assisted by the Commonwealth or ACT Government, the meal allowance is the maximum amount for which a three-course meal is obtainable.

### **348 Rest period between normal duty on successive days**

- (1) Unless a Chief Executive directs an officer to report for duty earlier, the officer must have a continuous period of eight hours off duty between ceasing overtime duty following normal duty one day, and commencing normal duty the following day.
- (2) An officer is entitled to be absent from duty, without loss of salary, until the officer has been off duty for a continuous period of eight hours.
- (3) In this section an officer is taken to be on duty while travelling to and from the workplace.
- (4) Where no eight hour break is possible reference should be made to the appropriate Award.

### **349 Eligibility for payment of overtime**

The Commissioner may approve payment of overtime to an officer whose salary is above the overtime salary barrier in exceptional circumstances.

### **350 Time spent travelling to and from overtime duty**

Time spent in travelling to or from work must not be taken into account for the calculations of overtime payments unless—

- (a) officers are required by the relevant Chief Executive to drive, on official business and outside their normal hours of duty, an agency vehicle or their private motor vehicle; or

- (b) the travel is associated with emergency duty; or
- (c) excess travelling time is applicable under an Award or these Standards.

### **351 Weekend and shift overtime duty**

- (1) Payment must be made at the overtime rate relevant to the particular day on which it is worked unless it extends past midnight Sunday, when Sunday overtime rate must be applied until ceasing overtime on Monday.
- (2) If overtime extends beyond the time at which the officer would have commenced their rostered shift on Monday, the prescribed rate must change to the normal Monday rate starting from when the rostered Monday shift was due to commence.
- (3) This also applies when overtime commencing on a public holiday extends beyond midnight.
- (4) If overtime duty extends beyond Friday midnight, minimum Saturday overtime duty requirements continue to apply before a higher rate of penalty is payable.
- (5) Midnight does not break the continuity of an overtime attendance for the purposes of any minimum payment provisions.
- (6) For example, three hours overtime must actually be worked, after midnight, on the Saturday (at time and a half) before a higher penalty rate (double time) can be applied.
- (7) If overtime (other than a full overtime shift) is being worked when clocks are adjusted from Standard time to daylight saving time, or *vice versa*, payment must be made for the time actually worked, not clock time.

**352 Overtime on a public holiday**

- (1) If an officer works ordinary duty and overtime duty on a public holiday in one attendance, the minimum payment provisions must not be applied separately to the hours of ordinary duty and overtime duty.
- (2) In applying the minimum payment provisions, the period of duty worked must be taken as a whole, and payment based on the greater of either four hours or the hours of duty for that day if it had not been a public holiday.
- (3) For part-time officers, the minimum overtime payment for each separate attendance on a public holiday is the lesser of either four hours or the ordinary hours of duty for that day if it had not been a public holiday.

## Part 4.13                      Restricted duty

### 353                      Application—pt 4.13

This part applies to officers or employees unless specifically excluded.

### 354                      Interpretation—pt 4.13

In this part:

*officer* is an officer or employee who—

- (a) occupies an office, or performs duties in a capacity, for which the rate, or minimum rate of salary does not exceed the maximum rate of salary payable to an occupant of an office of Administrative Service Class 6; and
- (b) is eligible for payment of restricted duty allowance in accordance with an industrial Award.

### 355                      Approval

- (1) A Chief Executive may approve payment of restricted duty to an officer.
- (2) In exceptional circumstances the Commissioner may approve payment of restricted duty allowance to an officer who does not fall within the definition of officer.

### 356                      Restricted duty allowance

- (1) If an officer is required for duty outside their ordinary weekly hours of attendance and is directed, in writing, by the relevant Chief Executive to be contactable and available to return to duty without delay or within a reasonable time, they are entitled to be paid an allowance of—



- (a) 7.5 per cent of the officer's hourly rate of salary for each hour restricted Monday to Friday; and
  - (b) 10.0 per cent of the officer's hourly rate of salary for each hour restricted on Saturday and Sunday; and
  - (c) 15.0 per cent of the officer's hourly rate of salary for each hour restricted on public holidays and rostered days off.
- (2) An officer's salary for the purposes of calculating payment must include higher duties allowance and any other allowance paid in the nature of salary.
  - (3) This allowance is not payable to an officer who is absent on leave when the restriction has been lifted.
  - (4) An officer to whom clause 20 of the *Medical Officers' (Australian Capital Territory Public Sector) Award 2000* applies is to be paid an allowance of \$9.48 per on-call period or \$47.51 per week. The relevant Chief Executive may determine whether the allowance is paid per on-call period or at the weekly rate.
  - (5) In this section:  
  
*on-call period* has the same meaning as in the *Medical Officers' (Australian Capital Territory Public Sector) Award 2000*.

## Part 4.14 Sunday or public holiday duty

### 357 Application—pt 4.14

This part applies to officers or employees unless specifically excluded.

### 358 Interpretation—pt 4.14

In this part:

*public holiday* means a day or part of a day at a location where a holiday has been declared for members of the Service.

*substitute duty* occurs when an officer works on a public holiday as a substitute for another officer who was scheduled to perform the extra duty.

### 359 Sunday or public holiday duty

- (1) An officer rostered to work must attend work on a public holiday.
- (2) If an officer is required to work on Sunday or a public holiday, they may be entitled to extra payments for this duty under the relevant Award.
- (3) An officer is eligible for payment for Sunday or public holiday duty unless they—
  - (a) occupy or perform temporarily or permanently the duties of an office where the salary rate exceeds the maximum rate of ASO Class 6 and their ordinary hours of duty are not arranged in accordance with a shift roster; or
  - (b) reside on the premises where their duties are performed, and their attendances on Sunday or on a public day are only intermittent or for brief periods of the day; or

- (c) are employed as a teacher.
- (4) An officer is entitled to be paid their normal salary for those days which are observed as holidays in the Service if the holiday would normally have been an ordinary working day except if the holiday occurs in a period where an officer is on leave without pay.
- (5) Unless otherwise declared by the Commissioner, officers and employees who are not entitled to observe Union Picnic Day as a public holiday under an applicable Award will observe an additional public holiday within the Christmas/New Year period according to the table 359.

**Table 359**

<b>column 1</b> <b>Christmas Day</b>	<b>column 2</b> <b>Additional Day</b>
Sunday	Wednesday 28 December
Monday	Wednesday 27 December
Tuesday	Monday 31 December
Wednesday	Friday 27 December
Thursday	Monday 29 December
Friday	Tuesday 29 December
Saturday	Wednesday 29 December

- (6) The Commissioner may declare that any other day shall be observed as a holiday in respect of any class of officers or employees in the ACTPS.

**360 Calculation of salary for Sunday or public holiday duty**

- (1) If the payment of Sunday or public holiday duty for an officer is covered in the provision of an Award, then the officer is paid based on that provision.
- (2) Where an employee covered by the *Medical Officers' (Australian Capital Territory Public Sector) Award 2000* is rostered for duty on a public holiday which is not in excess of the set weekly hours as specified in that Award, the employee is paid at the rate of time and a half for the actual time worked on the public holiday.
- (3) Overtime worked on a public holiday is to be paid at the rate of double time and a half.
- (4) If there is no Award provision covering Sunday or public holiday duty, officers performing that duty are entitled to be paid at the rate set out in section 344 (Calculation of payment for overtime duty).
- (5) If an allowance is, under an Award or Standard, treated as part of salary, then the allowance must be included when calculating the hourly rate for Sunday or public holiday duty.
- (6) Subject to any relevant Award, payment for ordinary hours on a public holiday is subject to a minimum payment of four hours for ordinary duty on a public holiday which is not continuous with duty worked the day before or the day after.
- (7) If an officer performs continuous duty for two consecutive days and part of, or all of, these days includes a public holiday, and the continuous duty is less than four hours, they are entitled to be paid for four hours duty at public holiday salary rates.
- (8) The period of a meal break must not be treated as a break in Sunday or public holiday duty.

**361 Eligibility for payment or leave for Sunday or public holiday duty**

- (1) If an employee is rostered for a seven day shift and a public holiday occurs when the employee is rostered off, they must be granted one day off in lieu instead of the public holiday.
- (2) The days leave must be granted within one month of the public holiday occurring.
- (3) If the leave is not granted, the employee is entitled to one days pay at the single rate in addition to their normal salary.
- (4) An officer who is not normally eligible for payment for Sunday or public holiday duty because the salary for their office exceeds the maximum rate of salary payable to an ASO Class 6, may receive payment of an allowance if—
  - (a) they are required to regularly attend for duty on those days; and
  - (b) they are not entitled to be paid penalty payments or released from duty under a provision of this part.
- (5) The amount of the allowance is an amount as the Commissioner approves.
- (6) An officer who is not eligible for payment for Sunday or public holiday duty under an Award, under this Part may accrue leave in lieu of any payment.
- (7) If the accrual of leave for an officer is covered in a provision of an industrial Award, then the rate of accrual is based on that provision.
- (8) In all other cases, the rate of accrual is equal to time worked on Sunday or a public holiday.
- (9) Such leave is treated as if it were recreation leave.

- (10) The officer may have immediate access subject to recreation leave provisions.
- (11) If an officer is to report for duty on a public holiday but is unable to do so, pay must be forfeited for the day unless leave with pay has been granted.

### **362 Substitution arrangements**

- (1) An officer must receive payment for substitute duty calculated on their own salary, regardless of whether their salary is higher or lower than the officer for whom they are substituting.
- (2) The conditions outlined in the following three paragraphs apply if, on a public holiday, an officer works ordinary duty and works additional duty as a substitute for another officer:
  - (a) subject to relevant provisions, substitute duty should be paid at ordinary rates (single time) for the scheduled shift and for time in excess of the scheduled shift to complete the full period of duty, before eligibility for public holiday overtime payment arises;
  - (b) subject to relevant provisions, the normal rostered duty (that is duty for which the staff member is actually rostered) should be paid for at the ordinary set public holiday rate (that is, at single-time-and-a-half additional) for the scheduled shift and for time in excess of the scheduled shift to complete the full period of duty before eligibility for overtime payment arises;
  - (c) substitute duty and ordinary duty should each stand alone for public holiday overtime purposes. Payment at overtime rates (that is, double-time-and-a-half) should only be made for duty normally regarded as overtime.
- (3) An officer is entitled to at least half a day's pay for substitute and ordinary duty on a public holiday.

## Part 4.15 Leave—general

### 363 Application—pt 4.15

- (1) This part details the fixed minimum conditions which must be met and applies to officers or employees.
- (2) The conditions of leave for a Chief Executive apply to the Clerk of the Legislative Assembly.

### 364 Interpretation—pt 4.15

In this part:

*officer* includes an employee.

*one working month* means 30 calendar days.

*Note* 30 calendar days is equivalent to 22 working days based on a 5 day working week.

### 365 Grant of leave

- (1) A Chief Executive may grant leave to an officer, in accordance with these rules, on written application by that officer.
- (2) A Chief Executive must give written notice to the officer if the leave requested is not granted, another period is substituted, or conditions are set.
- (3) If an officer is promoted or transferred to an office in another agency after leave has been granted, but before the leave commences, the approval of the Chief Executive of the gaining agency must be obtained for any period of the leave which occurs after the officer would have commenced duty in the gaining agency.

- (4) This does not apply to those types of leave for which there is no discretion to withhold approval including—
- (a) staff organisation leave; and
  - (b) maternity leave; and
  - (c) leave for jury service.

**366 Leave not to count as service**

- (1) If leave that does not count as service aggregates to one or more working months in a calendar year for recreation leave or personal leave year for personal leave, then—
- (a) the accrual of personal leave is deferred by 1 day for each day's absence; and
  - (b) the officer's recreation leave credit is reduced by one twelfth of their annual entitlement of 20 days for each month of such leave.
- (2) For the purposes of this section, '*personal leave year*' has the same meaning as under section 391.
- (3) Leave which does not count as service includes—
- (a) unauthorised absences of more than 30 minutes; and
  - (b) absences due to illness caused by misconduct; and
  - (c) absence due to no sufficient cause; and
  - (d) leave when the Commissioner or Chief Executive determines leave will not count as service; and
  - (e) leave without pay; and
  - (f) certain periods of staff organisation leave; and
  - (g) unpaid parental leave; and



- (h) compensation leave in excess of 45 weeks, but not when officer is on GRTW; and
- (i) leave to engage in employment not in the interests of the Service; and
- (j) Defence Service leave where specified in section 429; and
- (k) leave to accompany a domestic partner; and
- (l) campaign leave; and
- (m) personal leave with or without pay after 52 weeks continuous absence.

### **367 Extension of Leave**

- (1) A Chief Executive may, on written application from an officer, extend the grant of leave in the following categories beyond the maximum period specified—
  - (a) staff organisation leave;
  - (b) leave for engagement in employment in the interests of the Service;
  - (c) leave to engage in employment associated with compensation;
  - (d) campaign leave;
  - (e) leave for full time defence service;
  - (f) leave for work or employment in the interests of defence or public safety;
  - (g) leave not provided for elsewhere.
- (2) For other forms of leave the Chief Executive in consultation with the Commissioner may extend the period of leave beyond any maximum specified, on written application by an officer.

**368 Leave taken in excess of credits**

If an officer has been granted leave in excess of entitlements, the relevant Chief Executive must correct the leave entitlement by—

- (a) recovering any over payment; or
- (b) adjusting the leave credits; or
- (c) a combination of both.

**369 Leave without pay and public holidays**

- (1) If an officer is on leave without pay on the working day either before or after a public holiday (or consecutive public holidays), they must be paid for the public holiday.
- (2) For the purposes of this section the public holidays from Christmas Day to New Year's Day inclusive are to be regarded as consecutive.
- (3) If an officer is on leave without pay and a public holiday occurs during that period of leave, no payment may be made for the public holiday.

**370 Unauthorised absences**

- (1) An officer is not entitled to be paid for unauthorised absences unless the Chief Executive so directs.
- (2) The Chief Executive may direct an officer to attend for duty outside normal hours for no extra pay for a length of time equivalent to the unauthorised absence.

## Part 4.16 Recreation leave

### 371 Interpretation—pt 4.16

In this part:

*day* means, as appropriate, a calendar day, or the ordinary working hours of an officer in a calendar day.

*notional period* means the total period, measured in weeks, when all recreation leave credits accrued before 1 December 2007 on either a full time or a part time basis, including on multiple full time or part time bases, are combined.

*officer* includes an employee.

*relevant period* means the period of paid recreation leave granted by a Chief Executive.

*week* means, as appropriate, a calendar week, or the ordinary working hours of an officer in a calendar week.

### 372 Counts as service

Leave granted under this part counts as service for all purposes.

### 373 Service as a temporary employee for recreation leave purposes

If a temporary employee becomes a permanent officer immediately after ceasing temporary employment, they must be credited with any recreation leave credit accrued during service as a temporary employee.

### 374 Grant of recreation leave – general

- (1) A Chief Executive may grant paid recreation leave for the relevant period, expressed in hours, up to an officer's available credit.

- (2) Recreation leave can be granted up to an officer's available credit on full pay for the relevant period or on half pay for a period not exceeding twice the relevant period.

### **375 Use of recreation leave**

- (1) Subject to operational requirements, a Chief Executive should approve an officer's application for recreation leave that would enable the officer to take their recreation leave in the year that it accrues.
- (2) If the Chief Executive does not approve an officer's application for recreation leave because of operational requirements, the Chief Executive will consult with the employee to determine another time (or times) for the recreation leave to be taken that is mutually convenient to both the agency and the officer.

### **376 Direction to take recreation leave**

- (1) If the operations of an agency, or part of an agency, are suspended at Christmas or another holiday period, a Chief Executive may direct an officer to take recreation leave at a time that is convenient to the working of the agency, whether or not application for leave has been made.
- (2) A Chief Executive may direct a teacher to take available recreation leave, whether or not application for leave has been made, at a time that is convenient to the agency.
- (3) An officer in the teaching stream is considered to be on recreation leave from the day after the last day on which the officer's school is open in a calendar year unless otherwise directed by a Chief Executive.
- (4) The period of recreation leave taken is to the limit of the officer's available credit.

- (5) This is followed by a stand-down period up to the day before the first day on which the officer's school is open in the next calendar year.

**377 Access to recreation leave while on maternity or parental leave**

- (1) An officer on maternity leave or parental leave under the Standards may access recreation leave other than for the period the officer is receiving paid maternity or primary care givers' leave.
- (2) This leave may be granted on full pay for the relevant period or on half pay for a period not exceeding twice the relevant period.
- (3) A period of recreation leave may be granted for the purposes of maternity or parental leave provided that it does not extend the maximum period for which maternity or parental leave would be available.

**378 Accrual of recreation leave credit**

- (1) Recreation leave accrues on a daily basis and is expressed in hours.
- (2) An officer is entitled to an equivalent of four weeks recreation leave for every calendar year of service.
- (3) The total number of hours of recreation leave credit accrued will differ according to the number of hours worked by an officer during the calendar year.
- (4) Part-time officers will accrue a pro-rata credit based on the number of hours worked.
- (5) The leave accrued for each calendar year can be calculated as follows:

$$\frac{(A \times B \times 4)}{C} = \text{total hours of leave accrued per day}$$

where:

A = number of ordinary hours per week worked; and

B = one (or zero where the day does not count as service); and

C = number of calendar days in the year.

- (6) If an officer takes an aggregate of more than one working month of leave that does not count as service, for each month of such leave taken, the officer's recreation leave credit is reduced by one twelfth of the officer's annual recreation leave entitlement.
- (7) A teacher or a school assistant in schools who commences duty on or before the first school day of a calendar year, and works without a break in service, during the year, are entitled to the equivalent of four weeks recreation leave, expressed in hours, for each calendar year of service, for their ordinary hours of duty.

**379 Additional recreation leave for career medical officers, resident medical officers and registrars**

- (1) In addition to the recreation leave he or she would ordinarily be entitled to, a medical officer who is rostered to work regularly on Sundays and Public Holidays, and who works for more than ten Sundays during a calendar year, accrues an additional seven consecutive days, expressed in hours, recreation leave for that year.
- (2) The seven consecutive days leave include non-working days.
- (3) A medical officer rostered to perform duty on less than ten Sundays during a year in which their annual recreation leave accrues, accrue additional leave for that year at the rate of one tenth of a working week for each Sunday rostered.
- (4) Subject to this part, rostered Sunday overtime shift of less than three hours duration must not be taken into account for the purposes of this section.

- (5) A rostered overtime shift which involves some hours to be worked on a Sunday and some on another day is to be treated as a Sunday overtime shift for the purposes of this section.
- (6) The additional recreation leave prescribed by this section is exclusive of Public Holidays.
- (7) A Chief Executive may determine, if the amount of additional leave is less than one day, expressed in hours, that the amount be carried forward to the following year, if hospital working arrangements so require.

**381      Deferral of accrual of recreation leave for certain purposes**

If recreation leave considered to have been taken under this part is to be applied to an officer who has been on leave, other than on recreation leave, for more than a year, any recreation leave credit which falls due during that period of leave should be treated as if it was credited on the date the officer resumes duty.

**382      Effect of defence service on recreation leave accrual**

- (1) A recreation leave credit does not accrue to an officer in accordance with this part if the officer is absent from duty on leave for specified defence service, or full-time defence service granted under section 429, referred to here as the '*relevant provisions*'.
- (2) If an officer is granted leave under the relevant provisions, they accrue their recreation leave credit equal to the credit to which the officer would have been entitled to under this part at the commencement of their specified defence service.
- (3) If an officer resumes duty after a period of specified defence service, this part applies, where relevant, as if the officer's recreation leave credit at the commencement of their specified defence service had accrued on the date the officer resumes duty.

**383 Recreation leave considered to have been taken**

- (1) This section does not apply to a Chief Executive or an Executive.
- (2) Subject to this section, if an officer has not used the whole or part of their recreation leave credit that accrues two years before 1 July in any year, they are considered to have been granted recreation leave, for the period of the unused recreation leave credit on—
  - (a) the first day of July; or
  - (b) if on the first of July the officer is on leave for a period not exceeding four weeks—immediately at the end of that leave; or
  - (c) if on the first of July the officer is on leave for a period exceeding four weeks and they do not use the unused recreation leave credit within the period of six months immediately following the leave taken—six months after resuming duty.
- (3) A Chief Executive may defer applying the provisions of this section to an officer who is on a GRTW on 1 July of any year or on full-time compensation leave as part of the rehabilitation process under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).
- (4) The application of this section may be deferred for either—
  - (a) 12 months, starting either from the time the officer commences the GRTW, or from 1 July of that year, whichever is the later; or
  - (b) 3 months from the date the officer returns to normal working hours;whichever is completed first.
- (5) If an officer on GRTW acquires additional excess recreation leave credit during this time, the provisions of this section must be applied within six months.



- (6) A Chief Executive may vary, in exceptional circumstances, to meet the operational requirements of an agency, the date on which recreation leave is considered to have been taken in this section for a defined period.
- (7) If an officer is not absent from duty during the whole or part of a period of recreation leave that is granted to the officer in accordance with this part, and the relevant Chief Executive informs the officer that they are required in the interests of the Service to remain absent from duty for the period or part of the period, the officer must remain absent from duty.
- (8) If an officer applies in writing, a Chief Executive must grant recreation leave before the first day of July, if this would enable an officer to use all or part of a leave credit that would otherwise attract the application of this part.
- (9) If an officer consents, a Chief Executive may substitute alternative dates, having considered the operational needs of the agency.
- (10) The recreation leave credit accrued by an officer in the teaching stream in one year may not be carried over beyond the last day of December in the following year except with the approval of the Chief Executive.
- (11) A Chief Executive may only approve a carryover on grounds of the illness of the officer.

**384 Recreation leave credit to be reduced by amount of leave taken**

- (1) If an officer is granted leave, or considered to have been granted recreation leave, under this part the recreation leave credit is reduced by the period of the leave.
- (2) Public holidays falling during recreation leave are not deducted from the recreation leave credit.

**385 Recreation leave credit for officers with multiple leave balances**

- (1) Where, prior to 1 December 2007, an officer has accrued more than one recreation leave credit balance, on 1 December 2007 the multiple balances are amalgamated into a single recreation leave credit, expressed in hours.
- (2) Where an officer's multiple recreation leave credit balances are amalgamated into a single credit balance under subsection (1) and the resultant period is less than their notional period of recreation leave, then the officer is eligible to access leave without pay under subsection (3).

**Example**

Where, prior to 1 December 2007, an officer accrued two weeks recreation leave while working normal hours of 10 hours per week (a 20 hour credit balance), then changed to normal working hours of 20 hours per week and accrued one week of annual leave (a separate 20 hour credit balance), the officer has a notional period of three weeks recreation leave credit, and an amalgamated leave balance of 40 hours (equivalent to two weeks credit at their current normal working hours). The officer would be eligible to one week of leave without pay.

- (3) An officer may access leave without pay for a period not exceeding the difference between their recreation leave credit and their notional period of recreation leave accrued before 1 December 2007.
- (4) Leave without pay accessed under subsection (3) counts as service for all purposes.
- (5) Leave without pay accessed under subsection (3) can only be taken in conjunction with recreation leave accrued before 1 December 2007.
- (6) Subject to subsection (5) and to available recreation leave credit accrued before 1 December 2007, there is no limitation on how often leave without pay can be accessed under subsection (3).

- (7) Once the officer's recreation leave credit accrued before 1 December 2007 is exhausted, the officer can no longer access leave without pay under subsection (3).
- (8) Where an officer has approval to take recreation leave at half pay for a period not exceeding double their available credit, a chief executive may approve a period of leave without pay accessed under subsection (3) to be doubled.

### **386 Payment in lieu of recreation leave**

- (1) Subject to this section, if an officer or employee commenced duty after 26 October 1966 and their employment ceases for some reason other than death, they are entitled to be paid an amount equal to the salary that would be paid if they used their full recreation leave credit at the time they ceased to be an officer, or their employment ceased.
- (2) See section 388 for officers joining before 26 October 1966.
- (3) If an officer or employee commenced duty after 1 January 1978 but before 1 July 2005, the payment in lieu of recreation leave will include payment for any part of a month of service worked at the commencement of service but not included in the officer or employee's recreation leave credit.
- (4) If an officer resigns in order to accept a job with an organisation which will accept their recreation leave credits, they are not entitled to a payment in lieu of recreation leave.
- (5) A temporary employee whose employment is extended lawfully is not considered to have ceased to be an employee for the purposes of this section.
- (6) Allowances which would have been included in an officer's pay during recreation leave must be included when calculating entitlements under this section.

**387 Payment to dependants on death**

- (1) This section applies in relation to an officer or employee who has died, or who is considered by the Chief Executive to have died, given the relevant circumstances.
- (2) If this section applies, a Chief Executive may authorise payment of the relevant amount to—
  - (a) a dependant of the officer or employee; or
  - (b) two or more dependants; and
  - (c) where a dependant is under a legal disability—
    - (i) a trustee for the benefit of the dependant; or
    - (ii) the legal personal representative of the officer.
- (3) If there are two or more dependants of an officer in relation to whom this section applies, in exercising the powers conferred by this section, a Chief Executive is to consider the respective losses suffered by those dependants as a result of the loss of earnings.
- (4) The relevant amount is the amount that would have been authorised to be paid in accordance with this section if an officer had ceased to be an officer other than by death.
- (5) If on the death of an officer to whom this section applies, the amount payable under this section in relation to the officer's death must not be paid if the officer had no next of kin.

**388 Payment in lieu on separation from ACTPS (except by death)—officers who commenced employment before 26 October 1966**

If an officer commenced duty before 26 October 1966, the recreation leave credit which accrues under this part in the year of separation is to be reduced by one-twelfth of 3 weeks for each

completed month in that year before the anniversary of the date of commencement.

**389 Annual leave loading**

- (1) An officer in the teaching stream is entitled to payment equal to 17.5% of their salary as at 1 January of the year in which the leave accrued.
- (2) This section is subject to a maximum of the Commonwealth Government Statistician's average weekly earning per employed male unit (original Australia) for the September quarter of the preceding year.
- (3) Payment of an entitlement under this section must be made no later than 31 December in the year in which the recreation leave accrues.
- (4) If an officer accrues less than a full year's recreation leave credit, or in the case of an officer paid in lieu of recreation leave on termination for less than a full year's credit, the annual leave bonus is payable on a pro-rata basis for each completed month of service.

## Part 4.17                      Personal leave

### 390                      Application—pt 4.17

This part applies to permanent officers only except where indicated otherwise.

### 391                      Interpretation—pt 4.17

In this part:

*accrual date* is the date on which an officer receives a credit of personal leave.

*accrual period* is the period during which personal leave accrues.

*accumulative personal leave* is personal leave that is not taken in the accrual year and carries over to the next personal leave year.

*immediate family* includes—

- (a) a domestic partner (including former domestic partner) of the officer;
- (b) a child or an adult child (including an adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the officer or domestic partner of the officer; and
- (c) a person related to the officer by Aboriginal and/or Torres Strait Islander kinship structures.

*immediate family or household* use of personal leave for carer or bereavement purposes in accordance with this part is subject to the person being either—

- (a) a member of the employee's immediate family; or
- (b) a member of the employee's household.

***non accumulative personal leave*** is personal leave that does not carry over to the next personal leave year, regardless of whether or not personal leave is taken during the personal leave year.

***officer*** includes Chief Executives and Executives for the purposes of personal leave.

***personal leave year*** is the period commencing on an officer's accrual date and ending on the day before the next accrual date.

***temporary employee*** for the purposes of personal leave means a person that section 400 applies to.

### **392 Credit, accrual and deduction of personal leave**

- (1) Subject to this section, an officer is entitled to receive a personal leave credit of 18 working days (accumulative personal leave) at full pay on the date of their permanent appointment and on the completion of each subsequent twelve months of continuous service.
- (2) Where an officer works part-time, the officer's personal leave credit will be based on the officer's prescribed weekly hours of duty on the accrual date multiplied by 3.6 weeks.
- (3) If an officer or temporary employee changes their normal weekly hours of duty, their personal leave will be adjusted in accordance with the following formula:

$$\frac{\text{new working hours}}{\text{old working hours}} \times \text{personal leave credit}$$

- (4) Absences which do not count for service totalling more than 30 calendar days defer the next accrual by 1 day for each day's absence.
- (5) If previous service with an approved organisation is recognised as service which counts towards the accrual of personal leave under the mobility provisions of the Standards, the date on which personal leave accrues can be varied to reflect a previous accrual date.

- (6) The Chief Executive may allow an officer, in the first 10 years of service, when the officer is medically unfit for duty, to anticipate 1 year's personal leave accrual where full pay credits are exhausted.
- (7) Any personal leave taken must be deducted from the officer's or temporary employee's credit.
- (8) If a person is retired from the Service on grounds of invalidity, and is re-appointed as a result of action taken under the *Superannuation Act 1976* (Cwlth) or the *Superannuation Act 1990* (Cwlth), they are entitled to be recredited with any unused personal leave credit held prior to the invalidity retirement.

### **393 Personal leave for bereavement purposes**

- (1) An officer and a temporary employee is entitled to an additional three days full paid personal leave (non-accumulative personal leave) on each occasion of a death of a member of the officer's or employee's immediate family or household.
- (2) At the discretion of the Chief Executive, in addition to an officer or temporary employee's immediate family and household members, leave for bereavement purposes may be granted on the death of a foster parent, step parent, step sibling, guardian or foster child.
- (3) In addition to three days full paid personal leave, a Chief Executive may grant additional paid or unpaid personal leave to an officer or temporary employee for bereavement purposes.
- (4) Personal leave for bereavement purposes counts as service for all purposes and is not deducted from an officer's or temporary employee's personal leave credit.
- (5) If bereavement leave of at least one day is granted while the officer or temporary employee is on another type of leave, the amount equivalent to the approved bereavement leave should be recredited.



**394 War Service sick leave**

- (1) All staff who are returned soldiers are eligible for War Service sick leave as set out below.
- (2) On joining the ACTPS, an eligible officer who has not been allocated war service sick leave credits for prior service is entitled to receive—
  - (a) a special one off credit of nine weeks full-pay sick leave; and
  - (b) an annual credit of three weeks full-pay sick leave. Further credits are allotted on completion of each twelve months service, and accumulate to a maximum credit of nine weeks.
- (3) If an officer joins the ACTPS and has been allotted war service sick leave credits for prior service, they are entitled to receive war service sick leave credits as follows:
  - (a) the balance of the special nine weeks credit - this unused credit is available whatever the length of the break in service; and
  - (b) if the officer left the Australian Public Service before 1 November 1962, the three weeks annual credit must be allotted on reappointment to the ACTPS and on each anniversary of that date; or
  - (c) if the officer left the Australian Public Service/ACTPS after 30 October 1962, they receive the balance of the cumulative war service sick leave credit held at the date of last separating, whatever the length of the break in service, the total period of sick leave since 1 November 1962. The accrual date for war service sick leave is the date when that period next reaches a complete number of years.

**395 Grant of personal leave—personal illness and illness of immediate family or household**

- (1) Subject to this section, a Chief Executive may grant personal leave for the period of the absence when an officer or temporary employee applies for personal leave—
  - (a) due to personal illness; or
  - (b) to care for a member of the officer's or employee's immediate family or household; andproduces satisfactory medical evidence.
- (2) If a medical certificate is not produced when an officer or temporary employee applies for leave for personal illness or the illness of a member of the immediate family or household, a Chief Executive may grant personal leave for up to three consecutive working days, and for a maximum of seven working days in any accrual period.
- (3) Leave for personal illness without medical evidence in excess of three consecutive days or seven days within a twelve-month period is unauthorised and must be without pay.
- (4) A medical certificate from all medical service providers recognised by a registered health fund will be accepted for the purposes of granting personal leave under this section.
- (5) A Chief Executive, in special circumstances, may approve the use of personal leave at half-pay for absence of at least one week.
- (6) Credits for personal leave on half-pay will be deducted at a rate of 50% per day.
- (7) Personal leave must not be granted where the absence is due to illness caused by the misconduct of the officer or temporary employee, or where there is not sufficient cause.

- (8) The Chief Executive must inform the Commissioner of such circumstances, and the Commissioner may determine that the absence does not count as service for any purpose.
- (9) The maximum continuous period of paid sick leave is 52 weeks and the maximum continuous period of paid and unpaid sick leave is 78 weeks.

**396 Grant of personal leave—personal leave in special circumstances**

- (1) A Chief Executive may approve personal leave for an officer, other than for personal illness or the illness of a member of the immediate family or household, in special circumstances.
- (2) Special circumstances cover extraordinary or unforeseen circumstances where it is essential that the officer have leave from the workplace.
- (3) The Chief Executive may require reasonable evidence to approve personal leave in special circumstances.
- (4) The maximum period of personal leave in special circumstances is four days (non-accumulative personal leave) within a personal leave year.
- (5) This leave—
  - (a) is in addition to the 7 days personal leave without a medical certificate; and
  - (b) must be deducted from an officer's personal leave credit; and
  - (c) does not require a medical certificate.

*Note* While personal leave in special circumstances does not require a medical certificate, a medical certificate may be a form of reasonable evidence provided to the Chief Executive when requesting this leave.

**397 Conversion of half-pay personal leave credits to full pay credits**

The Chief Executive may convert half-pay personal leave credits to full pay personal leave credits.

**398 Additional personal leave on half-pay**

- (1) The Chief Executive may grant additional personal leave on half pay to officers who have ten years of service, and who have exhausted their available credit.
- (2) Such leave must not be granted if the absence is due to a condition for which the officer is entitled to compensation under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

**399 Personal leave without pay**

- (1) If an officer has taken all available personal leave with pay, for their personal illness, the relevant Chief Executive may grant personal leave without pay for up to the maximum continuous period as determined by the relevant Chief Executive.
- (2) If an officer has medical evidence which supports the continuing absence from work on medical grounds beyond 78 weeks, the relevant Chief Executive may approve further leave as leave without pay.
- (3) Leave without pay under this section does not count as service for any purpose.

**400 Temporary employees**

- (1) This section applies to—
  - (a) a temporary employee with less than 12 months continuous service that is engaged under the Act, division 5.7; and

- (b) a person or temporary employee with less than 12 months continuous service that is engaged under the Act, section 30 or section 76.
- (2) This section does not apply to a person, that before the commencement of a section 30 or section 76 contract, was engaged under the Act, section 28 or section 72, or an officer.
- (3) During the first twelve months of continuous service, a temporary employee accrues two days of accumulative personal leave on the completion of eight weeks and four days service, plus three days non-accumulative personal leave.
- (4) For each subsequent four weeks and two days service, a further 1 day accumulative personal leave accrues up to a maximum of 5 days accumulative and 3 days non-accumulative personal leave.
- (5) Bereavement leave with pay is available from the first day of service.
- (6) Temporary employees are not entitled to anticipate personal leave but may be granted up to an aggregate of 20 days without pay in the first twelve months.
- (7) Personal leave in special circumstances under section 396 does not apply to a temporary employee in the first twelve months of service.
- (8) Personal leave in special circumstances under section 396 applies once the employee is entitled to accrue a personal leave credit as if they were an officer.
- (9) After twelve months of continuous service, a temporary employee is entitled to accrue a personal leave credit as if they were an officer.
- (10) The credit granted after twelve months is subject to deduction of any leave previously taken (in accordance with this section).

**401      Returned soldiers**

- (1) A temporary employee who is a returned soldier may be granted personal leave subject to the following conditions:
  - (a) the temporary employee must apply in writing, stating the cause of the absence;
  - (b) if the temporary employee has not completed twenty-two days actual duty, the Chief Executive, if satisfied that the absence is due to illness, may grant the employee leave of absence without pay;
  - (c) if the employee has completed 22 days actual duty, the relevant Chief Executive may, if satisfied that the absence arises from illness due to causes beyond the employees control, grant leave of absence as follows:
    - (i) with pay, at the rate of one day accumulative personal leave and three days non-accumulative leave after the first 22 days of service for which no personal leave with pay has been previously granted. A further one day accumulative personal leave can be granted for each 22 days of service up to a maximum of ten days. This is subject to the production of a medical certificate when the absence exceeds one day or the employee has been previously absent for one day with pay on two or more occasions in the preceding twelve months; and
    - (ii) without pay, at the rate of two days for each 22 days of service except during the first twelve months of service, when leave not exceeding 20 days may be granted.
- (2) If satisfactory medical evidence is produced that an illness originated from active service, the Commissioner may determine the conditions under which leave must be granted.

**402      Personal leave whilst on leave**

- (1) If an officer falls ill during a period of recreation leave or long service leave, on written application by the officer, the relevant Chief Executive may grant the officer personal leave for the period of illness and recredit them with a period of leave equal to the period of personal leave taken subject to the following:
  - (a) the officer must provide satisfactory evidence of illness at the time they become ill;
  - (b) the minimum additional leave granted under this provision is one day;
  - (c) an officer who becomes ill on long service leave (LSL) may be granted LSL equal to the period of illness during LSL, which is either added to the end of the period of LSL originally approved, or added to the LSL credit. This additional LSL is the calendar period the officer is certified unfit to work.
- (2) An officer on unpaid maternity leave may be granted paid personal leave on production of satisfactory medical evidence that they are unfit to work.
- (3) If the officer has exhausted all paid personal leave, personal leave without pay cannot be substituted for unpaid maternity leave.
- (4) This section does not apply to other forms of leave including personal leave to care for a member of the employee's immediate family.

**403      Recognition of prior service for personal leave**

- (1) An officer who is entitled to personal leave credits and meets the criteria in these provisions is entitled to have prior permanent and temporary service with approved organisations recognised for the purpose of personal leave.

- (2) The employment recognised under section 416 or section 417 are those for which prior service can be recognised provided that—
  - (a) any break in service is no more than two months; or
  - (b) for any longer break, the Commissioner determines that special circumstances exist.
- (3) Special circumstances include—
  - (a) delay in commencing service because of unforeseen complications or deficient administration; or
  - (b) an unduly protracted selection and appointment process; or
  - (c) inadequate or incorrect advice regarding a suitable commencement date; or
  - (d) other problems which, through no fault of the staff member, prevented the taking up of an offer of employment within the required time.
- (4) Prior part-time employment recognised under section 416 or section 417, must only be counted as service for personal leave purposes if—
  - (a) part-time service has been for at least 24 hours a week on at least four days a week; and
  - (b) the service attracted an entitlement to personal leave; and
  - (c) the part-time service occurred after 1 March 1990; and
  - (d) the service attracted a salary loading in lieu of leave, and was rendered between 1 March 1990 and 15 July 1991.



(5) If prior service is recognised for personal leave, an officer will accrue personal leave credits from the first date of service so recognised with the following provisos:

- (a) from the personal leave credits established, a deduction is made of personal leave actually taken while employed in that recognised prior service, and a deduction of any personal leave credits for which payment in lieu was made by that organisation on separation;
- (b) if the deduction required exceeds the personal leave credit, no credit is transferred however the prior service is recognised for determining years of service for personal leave entitlements; and

*Note* The number of years of service affects personal leave entitlements, for example under section 392 and section 398.

- (c) if there are no available records, five days personal leave per annum assumed usage is to be deducted. For eligible temporary staff with prior service during their first year of service and the total period of continuous prior service and current service is less than twelve months, the effect is to bring forward the current accrual.

#### **404 Special provisions for recognising prior service in Papua New Guinea after Independence**

- (1) Prior service with the Public Service or an authority of Papua New Guinea (PNG) after Independence on 16 September 1975 is only recognised if an officer—
  - (a) was employed with the Public Service or an authority of PNG or with the Australian Staffing Assistance Group up to Monday 15 September 1975; and

- (b) remained in employment with the Public Service or an authority of PNG or with the Australian Staffing Assistance Group on and from Tuesday 16 September 1975; and
  - (c) ceased the employment referred to above and, without a break of more than two months, commenced employment which is recognised for personal leave.
- (2) Australian Staffing Assistance Group service, being Commonwealth service, is recognised, subject to any break in service being no more than two months, whether the service was rendered before or after independence.
  - (3) The same conditions apply to service with the Public Service or an authority of PNG before Independence.

#### **405 Medical examination**

- (1) A Chief Executive may require an officer to obtain and furnish a report, or consent to the provision of a report, as to their medical condition from an authorised medical practitioner at any time to determine fitness to resume duties after a period of illness.
- (2) If an officer has been ill continuously for thirteen weeks the grant of further personal leave must be subject to the officer furnishing a report after being examined by an authorised medical practitioner.
- (3) An officer must not return to work after such an absence until the practitioner has determined that the officer is fit to resume duty.
- (4) If the Chief Executive doubts the cause of illness or absence, the Chief Executive may direct an officer to attend a doctor for a medical examination, or instruct a doctor to visit and examine the officer.
- (5) An officer must submit to a medical examination and furnish the Chief Executive with a medical report, or consent to the provision of that report to the Chief Executive when requested.

- (6) The fee payable for the medical examination must be deducted from the officer's salary if, in the opinion of the Chief Executive the doctor's report is not favourable to the officer, or the officer does not make herself or himself available for the examination without reasonable cause.

**406      Officer's health a danger to others**

- (1) If a Chief Executive determines that an officer is in such a state of health as to render them a danger to other officers or the public, they may require the officer to obtain and furnish a report as to their condition from a Medical Officer.
- (2) Having regard to the medical report, the Chief Executive may require the officer to take personal leave.

**407      Infectious disease contacts**

- (1) Where an officer is prevented from attending for duty under the *Public Health Act 1997*, part 6, the Chief Executive may grant that officer personal leave.
- (2) The officer may also apply for the absence or a part of it to be deducted from their recreation leave credit.

## Part 4.18 Long service leave

### 408 Application—pt 4.18

- (1) The Act, part 7 applies to officers and statutory office holders described in the Act, section 3.
- (2) It does not apply to a person who is—
  - (a) a member of the ACT Legislative Assembly; or
  - (b) employed under the *Legislative Assembly (Members' Staff) Act 1989*; or
  - (c) employed in an honorary capacity only; or
  - (d) remunerated by way of fees, allowances or commission only; or
  - (e) a Judge, as defined by the *Judges' Pensions Act 1968* (Cwlth), section 4; or
  - (f) temporarily transferred to employment with the Territory or whose services are temporarily loaned to the Territory by another Australian Government or a public authority of another Australian government; or
  - (g) appointed or engaged for employment outside Australia only.
- (3) The Act, section 156 refers to the instances in which a period of leave with pay or part pay or leave without pay, will count as service for the purpose of LSL.

### 409 Interpretation—pt 4.18

In this part:

***dependant*** includes a person who was being maintained wholly or partly by the officer at the time of the employee's death.

**government** means the Commonwealth, a State or a Territory.

**government owned** means ownership by the Commonwealth, a State or a Territory, and includes ownership shared across the Commonwealth, the States and/or the Territories.

**Higher Duties Allowance** (or **HDA**) means the allowance paid to an officer who is directed to perform the duties of a higher office.

**LSL** means Long Service Leave.

**minor** means a person under the age of eighteen years.

**officer** includes—

- (a) an employee; and
- (b) a statutory office holder; and
- (c) a person employed by a Territory instrumentality or by a statutory office holder.

**relevant day** in relation to a person who ceases to be an officer, means the day on which they cease to be an officer.

#### **410 Allowances paid while on LSL**

- (1) For the purposes of LSL, salary includes an allowance payable to an officer because they are required to perform their duties in a particular district in Australia (*'district allowance'*).
- (2) Salary includes district allowance for the purpose of LSL where an officer remains in a district for which the allowance is payable during their LSL or, if they are part of a domestic partnership, their family remains in that district during any part of the period of their LSL during which the officer is absent from that district.
- (3) For the purposes of LSL, salary includes an allowance payable to an officer in respect of the supply and maintenance by the officer of tools and equipment ordinarily required by them to perform the duties of their work.

- (4) Where an officer is entitled to receive a payment in lieu of LSL under the Act, section 158 or section 159 that payment must include an amount in respect of higher duties allowance, where—
- (a) the officer has, or would, but for their absence on authorised leave, have, during a continuous period of not less than 12 months ending on the expiration of the relevant day, performed the duties of a single office having a higher classification than their own, or
  - (b) immediately before the person ceased to be an officer, the officer has, or would, but for their absence on authorised leave, have performed the duties of 2 or more offices each of which has a higher classification than their own for periods that were continuous with one another and the aggregate of which is not less than 12 months.
- (5) Where a payment in lieu of LSL is made in accordance with the Act, section 158 or section 159 and is to include an amount in respect of HDA, if at any time during the period of 12 months immediately preceding the relevant day the officer performed the duties of an office in respect of which HDA was payable to them at a rate that is lower than the rate of the allowance payable to the officer on the relevant day, then the amount included in the payment in respect of HDA is calculated as if the officer was, on the relevant day, paid at the lowest rate at which HDA was paid to the officer during that period of 12 months.

#### **411 Salary for LSL not to include certain payments**

- (1) For the purposes of the Act, the following are not included in salary for LSL—
- (a) shift penalty payments, as defined;
  - (b) overtime payments, as defined;
  - (c) payments in the nature of a restriction, or on-call allowance.

- (2) For the purposes of this section, a payment is a shift penalty payment if it—
- (a) does not come within a single overall rate of salary; or
  - (b) is in the nature of an allowance or payment that is additional to the relevant ordinary rate of salary; or
  - (c) is normally payable to an officer—
    - (i) outside the hours that are regarded in the relevant industry as the normal hours of work or the standard hours of work; or
    - (ii) from time to time during those normal hours of work but as part of a pattern of working hours that are outside those standard hours of work; and/or
  - (d) is paid—
    - (i) to an officer for work that they have in fact undertaken; or
    - (ii) to officers within a class of officers as a payment in the nature of a commuted allowance or penalty.
- (3) A payment is a payment in the nature of a commuted allowance or penalty if it is paid on the basis of a liability to undertake shift work (whether or not shift work is in fact undertaken to any particular extent, or at all) and instead of additional payment for shift work undertaken.
- (4) A payment is an overtime payment if it is—
- (a) a payment, however described, for work in excess of standard hours; or
  - (b) a commuted overtime payment to all officers within a class of officers; or
  - (c) a payment to an officer for all of their overtime work regardless of its length or frequency; or

- (d) any other payment in lieu of a payment for overtime.

**412 Recognition of unrecorded employment**

The relevant Chief Executive may approve applications for recognition of a period of unrecorded employment if three statutory declarations are submitted, where—

- (a) one statutory declaration is completed by the applicant; and
- (b) two other statutory declarations are provided by two persons that were associated with the applicant departmentally for the period or periods in question.

**413 LSL or payment in lieu to persons under a legal disability**

- (1) A Chief Executive may appoint trustees where the Medical Officer certifies that an officer is incapable of managing their own affairs and their affairs are not being administered by a public trustee, or other relevant official.
- (2) If LSL monies are to be paid to dependants of deceased officers, as set out in the Act, section 159 and the dependants are incapable of managing their own affairs, the delegate should authorise payment either to a public trustee or other official with authority to receive payment, or appoint either one or preferably two trustees to whom the payment will be made.

**414 Payment to Public Trustee's Common Fund**

If a payment would otherwise be made to a minor, or person under a legal disability, who is dependent upon a deceased officer, these monies must be held in the Public Trustee's Common Fund where they will be invested, in accordance with the "Prudent Person Investment Principle" in the *Trustee Act 1925*, on behalf of the dependant.



**415 Outside employment during LSL**

When applying for LSL, an officer must seek approval if they propose to engage in outside employment during the LSL.

**416 Recognition of prior service for long service leave**

Previous employment is to be taken into account as if it had been ‘employment by the Territory’ for the purposes of the Act, section 150 and section 154 where, at the time of the employment—

- (a) the employment was within—
  - (i) a *government* Department or Agency; or
  - (ii) a public authority as defined by the Act, section 149; or
  - (iii) a wholly *government owned* organisation, body or corporation; or
  - (iv) a company specified in the *Territory-owned Corporations Act 1990*, schedule 1; or
- (b) the employment was predominantly for the purpose of delivering acute public health care services.

**417 Chief Executive discretion to recognise prior service for long service leave**

The relevant Chief Executive may, on a case-by-case basis, take account of previous employment for the purposes of the Act, section 150 and section 154 as if it had been employment by the Territory if, at the time of the employment—

- (a) the employment was within an organisation, body or corporation that is at least 50% *government owned*; or
- (b) the employment was within an organisation, body or corporation that was created for a public purpose, and is

recognised for the purposes of long service leave by the Commonwealth, a State or the Northern Territory.

## Part 4.19                      Maternity Leave

### 418                      Application—pt 4.19

The Act, part 8 applies to—

- (a) a woman who is an officer, an employee or a statutory office holder who is entitled to personal leave; and
- (b) a woman employed by a company that is incorporated under the Corporations Law and is declared by the Public Sector Management Standards to be a body corporate to which that part of the Act applies.

### 419                      Prescribed employment for maternity leave

For the purposes of the Act, section 170 (3) '*prescribed employment*' is employment, where, at the time of the employment—

- (a) the employment was within—
  - (i) a Commonwealth or Australian Capital Territory Government Department or Agency; or
  - (ii) a Commonwealth or Australian Capital Territory public authority as defined by the Act, section 149; or
  - (iii) a wholly Commonwealth or Australian Capital Territory government owned organisation, body or corporation (including ownership shared across the Commonwealth or Australian Capital Territory); or
  - (iv) a company specified in the *Territory-owned Corporations Act 1990*, schedule 1; or

- (b) the employment was predominantly for the purpose of delivering acute public health care services, in a Commonwealth or ACT organisation.

**420 Chief Executive discretion to prescribe employment for maternity leave**

The relevant Chief Executive may, on a case-by-case basis, prescribe employment for the purposes of the Act, section 170 (3) if, at the time of the employment—

- (a) the employment was within an organisation, body or corporation that is at least 50% Commonwealth or ACT government owned; or
- (b) the employment was within an organisation, body or corporation that was created for a public purpose, and is recognised for the purposes of maternity leave by the Commonwealth.

## Part 4.20 Other leave

### Division 4.20.1 General

#### 421 Application—pt 4.20

This part details fixed minimum conditions of employment which must be met and apply to officers and employees except a Chief Executive or Executive unless otherwise stated.

#### 422 Interpretation—pt 4.20

In this part:

*management-initiated placement* means employment with a Government Business Enterprise following an agreement between the management of the Government Business Enterprise and the Commissioner or relevant Chief Executive, where it would be in their mutual interests to allow an officer to be granted leave without pay for the purpose of employment with the Government Business Enterprise.

*member of the immediate family* includes—

- (a) a domestic partner (including former domestic partner) of the officer; and
- (b) a child or an adult child (including an adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the officer or domestic partner of the officer; and
- (c) a person related to the officer by Aboriginal and/or Torres Strait Islander kinship structures.

*officer* includes an employee but does not include a Chief Executive or Executive unless otherwise stated.

***Principal Chief Executive Officer*** means a person occupying an office or appointment so declared as such by regulations made for the purposes of the *Remuneration Tribunal Act 1973* (Cwlth), section 3 (4) (ra).

***returned soldier*** in relation to leave for returned soldiers for medical treatment and pension review, means a returned soldier, as defined in the Act, section 251 (5), suffering from—

- (a) a disability sustained as a result of service in a theatre of war or in "war-like" operations; or
- (b) pulmonary tuberculosis in respect of which the ex-member of the Forces is in receipt of benefits under the *Veterans' Entitlements Act 1986* (Cwlth).

***twelve months*** in relation to leave for Local Government purposes, is a period of twelve months commencing on the date or the anniversary of the date the officer becomes a duly elected office holder.

***year*** in relation to Defence Service leave, is the period commencing on 1 July and ending on the following 30 June.

#### **423 To accompany a domestic partner on a posting**

- (1) A Chief Executive may grant leave without pay to enable an officer to accompany their domestic partner for the period, or part of the period of a temporary posting overseas or interstate.
- (2) Leave to accompany a domestic partner on a posting is granted without pay and does not count as service for any purpose.
- (3) The maximum period of leave that may be granted is the period during which the domestic partner of the officer is required to perform duties overseas, or interstate.

- (4) A teacher or school assistant working in schools, returning to duty after accompanying a domestic partner on a posting must commence duties at the commencement of the next school year.

**424 Arbitration leave**

A Chief Executive may grant leave to enable an officer who is a representative of a staff organisation to present a case, give evidence in proceedings or prepare material for submission to the Australian Industrial Relations Commission.

**425 Campaign leave**

- (1) A Chief Executive may grant leave without pay to enable an officer to campaign for their election to—
- (a) the Legislative Assembly of the Australian Capital Territory;  
or
  - (b) a House of the Parliament of the Commonwealth or of a State;  
or
  - (c) a legislative or advisory body which has been approved by the Commissioner for the purpose of this part.
- (2) The maximum period of leave that may be granted for this purpose is three months.
- (3) Campaign leave does not count as service for any purpose.

**426 Ceremonial leave for Aboriginal and Torres Strait Islander staff**

- (1) A Chief Executive may grant leave without pay to an officer of Aboriginal or Torres Strait Islander descent for ceremonial purposes connected with the death of a member of their immediate family or extended family, or for other ceremonial obligations under Aboriginal and Torres Strait Islander law.

- (2) The maximum period of ceremonial leave that may be granted is ten days in any two year period and is in addition to bereavement leave.
- (3) Ceremonial Leave does not count as service for any purpose.

#### **427 Employment associated with compensation leave**

- (1) A Chief Executive may grant leave without pay to an officer to engage in employment outside the ACTPS if—
  - (a) the officer is, or was, entitled to compensation leave under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth); and
  - (b) the employment is a part of a process of rehabilitation under that Act.
- (2) The maximum period of leave of absence that may be granted to an officer under this section is three years.
- (3) A period of leave granted to an officer under this section counts as service for all purposes.

#### **428 Special recreation leave for officers returning from compensation leave**

- (1) This section provides for an officer who is on a GRTW under the provisions of the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth) to have a form of special recreation leave for the amount of excess recreation leave they would normally be deemed to have taken but have been unable to, due to their compensation leave.
- (2) Where an officer is on full time compensation leave on 1 July and the provisions of section 383 would normally apply, the deeming process is effectively deferred upon their return to duty for either—
  - (a) 12 months upon the commencement of a GRTW, or
  - (b) 3 months if they return to normal working hours, provided this does not extend the deferral beyond the original 12 months.



- (3) Where an officer is on a GRTW on 1 July and the provisions of section 383 would normally apply, the deeming process is effectively deferred for 12 months from 1 July or for 3 months after a return to normal working hours provided this does not extend the deferral beyond the original 12 months.
- (4) The granting of leave during a GRTW should be carefully considered by the appropriate approving authority and the Rehabilitation Case Manager as it may have a detrimental effect on any return to work program.
- (5) If at the end of the 12 month or 3 month period, there is still an excess recreation leave credit, the staff member is deemed immediately to be on recreation leave for a period equalling the remainder of the excess credit.
- (6) If an officer is still on a GRTW at the end of 12 months and they have accrued another recreation leave credit, and this is also excess, the above provisions apply to the extent that 6 months is substituted for 12 months.

#### **429 Defence service leave**

- (1) A Chief Executive may grant leave without pay to an officer to undertake a period of specified defence service.
- (2) A period of *specified defence service* is service set out in this section.
- (3) Leave granted after the commencement of a period of leave is deemed to take effect at the commencement of that period (that is, retrospective approval).
- (4) The relevant Chief Executive may grant leave to an officer to enable them to perform full time defence service as set out in this section.

- (5) A Chief Executive may grant leave for an officer to perform full-time service in time of war as defined in the *Defence Act 1903* (Cwlth) and/or for the purposes of the United Nations in—
  - (a) the Defence Force; or
  - (b) a naval, military or air force of a country allied or associated with Australia for the purposes of defence; or
  - (c) a naval, military or air force of the United Nations.
- (6) A Chief Executive may grant leave for an officer to undertake continuous full-time service as a member of the Navy, Army or Air Force for a period not exceeding 4 years for which the officer or employee has volunteered.
- (7) If an officer, under Commonwealth law is required to render additional service at the conclusion of the period of service for which they have volunteered to serve, the leave granted under this section by a Chief Executive to that officer is extended for the period necessary to enable the officer to undertake that additional service.
- (8) Leave granted under this section is with pay for the first fourteen days and without pay for the remainder of the time.
- (9) The leave counts as service for all purposes except recreation leave.
- (10) If an officer does not return to duty with the ACTPS the LWOP does not count as service for any purpose.
- (11) The relevant Chief Executive may grant an officer leave with pay to enable them to undertake the following defence service training:
  - (a) annual training as a member of the Navy, Army or Air Force;
  - (b) training for a continuous period of not less than 28 days, including Saturdays and Sundays, in the case of members of the Navy who are not required to perform annual training, but

who are required to undergo a period of training at intervals of not less than two years;

- (c) attendance at a school, class, or course of instruction, conducted for the training of members of the Navy, Army or Air Force.
- (12) The maximum period of leave in a year that may be granted for the purpose of annual training is—
- (a) in the case of a member of the Navy—thirteen days; and
  - (b) in the case of a member of the Army—fourteen days; and
  - (c) in the case of a member of the Air Force—sixteen days.
- (13) The maximum period of leave in a year that may be granted for the purpose of attendance at a school, class, or course of instruction, conducted for the training of members of the Navy, Army or Air Force is—
- (a) in the case of a member of the Navy—13 days; and
  - (b) in the case of a member of the Army—16 days; and
  - (c) in the case of a member of the Air Force—16 days.
- (14) The maximum period of defence service leave set out above includes any Saturday and Sunday between the first day of a period of leave in respect of a continuous period of training and the last day of that period of leave.
- (15) If a person who is the commander of an officer in relation to an officer's membership of the Navy, Army or Air Force, certifies in writing that attendance by the officer for the purposes of annual obligatory defence service training for a period in addition to those specified above is necessary, leave with pay not exceeding four days in a year may be granted to the officer to enable them to undertake that additional training.

- (16) If in a year an officer is required to engage as a member of the Army in a continuous period of training of not less than 33 days, including Saturdays and Sundays, leave of absence may be granted to the officer to enable them to engage in that continuous period of training.
- (17) A period, or periods of leave, not exceeding 33 days in aggregate, granted under this section in a year, is with pay and counts as service for all purposes.
- (18) A Chief Executive may grant leave with pay to an officer to attend an interview or medical examination in connection with their enlistment in a Reserve Force of the Defence Force. Leave granted counts as service for all purposes.
- (19) Leave must not be granted under this section if an officer is eligible to be granted leave in special circumstances in accordance with section 396.
- (20) In this section, unless the context indicates otherwise, **a year** means any period commencing on 1 July and ending on the following 30 June.

#### **430      Employment or work in the interests of defence or public safety**

- (1) A Chief Executive may grant leave without pay to an officer to engage in work or employment that the Chief Executive certifies is in the interests of the defence or public safety of the Commonwealth or the Territories.
- (2) The maximum period of leave is two years.
- (3) The first twelve months of leave granted counts as service for all purposes, including recreation leave purposes.
- (4) Subsequent leave counts as service for all purposes except recreation leave.

- (5) If an officer does not return to duty with the ACTPS the LWOP does not count as service for any purpose.

**431 Leave during hours of duty**

- (1) A Chief Executive may grant leave to an officer in respect of an absence from duty during the ordinary hours of duty on a day.
- (2) If leave has been granted to an officer on any one day, leave must not be granted to the officer for any absence on the following day.
- (3) Leave granted under this section may be with or without pay, as determined by the relevant Chief Executive.
- (4) Leave granted under this section counts as service for all purposes.

**432 Emergency leave for duty with the state emergency services**

- (1) A Chief Executive may grant leave with pay of up to four days per emergency to an officer who is a member of a State Emergency Service, fire-fighting service, search and rescue unit or other volunteer service performing similar functions, to enable the officer to fulfil an obligation in the event of a civil emergency.
- (2) Leave under this section counts as service for all purposes.

**433 Emergency Leave for disasters**

- (1) In this section:

*home* in relation to an officer, means the premises where the officer ordinarily resides or resides for the time being and from which the officer travels to work.

*relevant counter-disaster organisation* in relation to an officer means the appropriate responsible organisation, under current Australian disaster management arrangements, in relation to the place where an officer's home is situated.

*significant damage* to a home means that the home is wholly or partly uninhabitable for health or safety reasons.

- (2) A Chief Executive may grant leave with pay to an officer, following consultation with the relevant counter-disaster organisation, where the officer's home or its contents have been destroyed or significantly damaged, if the Chief Executive is satisfied that leave is necessary to assist the officer to cope with the effects of the disaster.
- (3) The maximum period of leave of absence that may be granted under this section is three days in each consecutive period of twelve months commencing on the day on which the officer or employee accrues a personal leave credit.

#### **434 Engagement in employment in the interest of the ACTPS**

- (1) A Chief Executive may grant leave without pay to enable an officer to engage in employment outside the ACTPS, whether in Australia or elsewhere, where the Chief Executive is satisfied that the employment is in the interest of the Service.
- (2) Unless otherwise approved by the Chief Executive in special circumstances, an officer is not eligible to be granted leave to engage in employment outside the ACTPS unless—
  - (a) in the case of an officer appointed on probation—their appointment has been confirmed; or
  - (b) in the case of an officer not appointed on probation or a temporary employee—a continuous period of service or employment exceeding six months has been completed.
- (3) A Chief Executive may not grant leave without pay to enable an officer to engage in employment outside the ACTPS with a government-owned business enterprise to work in a position—
  - (a) as a Principal Chief Executive Officer of the enterprise; or

(b) equivalent to a Senior Service Classification.

- (4) The maximum period of leave that may be granted to an officer under this section is five years.
- (5) A period of leave granted to an officer under this section counts as service for all purposes except recreation leave.
- (6) If an officer does not return to duty with the ACTPS the LWOP does not count as service for any purpose.

#### **435 Sporting Leave**

- (1) A Chief Executive may grant leave with pay to an officer who is an accredited official or competitor to attend in that capacity for international sporting events or other events if they are satisfied that—
  - (a) the event has major international significance; or
  - (b) the multidisciplinary nature of the event warrants approval.
- (2) A Chief Executive may grant leave with pay to an officer with national or international sporting status for the purpose of undertaking sports training for representative competition.
- (3) The period of leave with pay granted under this section counts as service for all purposes.

#### **436 Jury service leave**

- (1) A Chief Executive may grant leave with pay to an officer to serve as a juror.
- (2) Leave granted under this section counts as service for all purposes.
- (3) The officer is entitled to payment of their usual salary.
- (4) If they are paid jury fees, this amount must be deducted from their salary less reasonable out-of-pocket expenses.

**437 Leave for Local Government purposes**

- (1) A Chief Executive may grant leave with pay to an officer who is a duly elected office holder of a local government council to enable them to attend formal meetings of the council.
- (2) The maximum period of leave which may be granted to an officer under this section is—
  - (a) five days in any period of twelve months in the case of an officer who is the mayor or president of the council; and
  - (b) in any other case, three days in any period of twelve months.
- (3) Leave granted under this section counts as service for all purposes.

**438 Leave not provided for elsewhere**

- (1) If, but for this section, an officer cannot be granted leave, the Chief Executive may grant leave (in the section called the ‘relevant period’) to the officer up to a maximum period of twelve months.
- (2) A period of leave granted must be without pay and does not count as service for any purpose except where the Commissioner directs in special circumstances that a period of leave granted is to be with pay or to count as service, having regard to—
  - (a) the purpose for which the leave is being taken; and
  - (b) the length of service of the officer; and
  - (c) the length of the period for which the leave is being taken.
- (3) Where a period of leave is granted with pay and is to count as service, the Commissioner may grant this leave on half-pay for a period not exceeding twice the relevant period.
- (4) If the Commissioner approves the taking of this leave in this manner, this period of leave counts as service for all purposes.



**439 Leave for returned soldiers for medical treatment and pension review**

- (1) A Chief Executive may grant leave with pay to an officer who is a returned soldier to attend an appointment for periodical medical attention, prosthetic treatment or a pension review under the *Veterans' Entitlement Act 1986* (Cwlth).
- (2) The maximum period of leave that may be granted to an officer is two weeks in each twelve month period commencing on the day on which the officer accrues a personal leave credit.
- (3) Leave granted under this section counts as service for all purposes.

**440 Leave for specialists and senior specialists**

- (1) A Chief Executive may grant leave with pay to a Specialist or Senior Specialist for the purpose of attending a medical conference.
- (2) On commencement as a Specialist or Senior Specialist, and on completion of each years service, a credit or an additional credit, of one week of the officers ordinary hours of duty accrues, to a maximum of two weeks.
- (3) The period granted under this section must not exceed the available credit.
- (4) A Chief Executive may grant leave with pay to a Specialist or Senior Specialist who has completed five years of service, for the purpose of undertaking medical study.
- (5) The period of leave must not exceed the study leave credit of the officer.
- (6) A period of three months study leave accrues for the first and each subsequent completed five years of service.
- (7) Alternatively, after the first credit has accrued, the officer may elect to accrue a credit of six weeks leave for each completed period of three years service.

- (8) The maximum credit the officer may accrue is six months.
- (9) A Specialist or Senior Specialist is entitled to payment equal to the cost of return business class air travel to enable attendance at a medical conference or for study purposes.
- (10) The air travel must be by the most direct practicable route, and the cost must not exceed the maximum applicable between any two Australian capital cities.
- (11) Leave granted under this section counts as service for all purposes.

#### **441 Staff organisation leave**

- (1) A Chief Executive may grant leave without pay to enable an officer to hold a full-time elective office, or a full-time non-elective office, in a staff organisation, a council of staff organisations or a credit union, co-operative society, building co-operative, or similar body.
- (2) If the leave is to work in a non-elected office, the officer must have been employed by the ACT Government or the Australian Public Service for not less than four years to be eligible for this leave.
- (3) In the case of a credit union or similar body, the body must be incorporated by law, and be conducted by, or on behalf of members of the staff organisation, for—
  - (a) the benefit of the members of the staff organisation; or
  - (b) the benefit of all persons employed by the ACT Government.
- (4) Except in the circumstances set out below such a period of leave does not count as service for any purpose other than for accruing personal leave and for calculating the qualifying period under the Act, part 7 (see the Act, section 154).
- (5) A period of staff organisation leave approved before 15 August 1991 for an officer of the Department of Education and Community Services to work for the Australian Education Union,

counts as service for increment purposes when the officer returns to duty.

- (6) A Chief Executive may grant leave to an officer to take up an honorary office in a staff organisation.
- (7) Up to two months of such leave in a calendar year counts as service for all purposes.
- (8) Any period of leave which exceeds, in aggregate, two months in a calendar year, does not count as service for any purpose.
- (9) The maximum period of leave that may be granted to an officer under this section is the period for which the officer is elected to office, or in the case of a non-elected office, three years.

#### **442 Leave to attend as witness**

- (1) A Chief Executive may grant leave to an officer to give evidence before a body or person before whom evidence may be taken on oath.
- (2) Leave granted under this section, with or without pay, counts as service for all purposes.
- (3) Except for leave granted for a purpose specified below, leave must be without pay.
- (4) A Chief Executive may grant leave with pay for an officer to give evidence—
  - (a) on behalf of a Territory, a State, or the Commonwealth; or
  - (b) on behalf of an authority established by or under a law of a Territory, a State or the Commonwealth; or
  - (c) in a judicial review or administrative review proceeding where the matter being reviewed relates to the work of the officer; or
  - (d) before a Royal Commission appointed under a law of the Commonwealth; or

- (e) before a person conducting an inquiry under a law of a Territory, a State or the Commonwealth; or
  - (f) before a person or authority exercising arbitral functions under a law of a Territory, a State or the Commonwealth.
- (5) An officer is entitled to retain any amounts received by way of witnesses' expenses.
  - (6) An officer who is granted leave with pay under this section who is required to travel to give evidence, is entitled to be reimbursed for reasonable travel expenses in accordance with part 7.1, on the same basis as if the officer had travelled in the course of their duties.
  - (7) The total amount paid to the officer must be reduced by any amount received as witnesses' expenses.

#### **443 Purchased leave**

- (1) For the purposes of this section, an officer includes a Chief Executive and an Executive.
- (2) Subject to this section, an officer may purchase additional leave, up to a maximum of 6 weeks.
- (3) This leave is without pay and accounted for by a fortnightly deduction of salary over a twelve-month period.
- (4) A Chief Executive may approve the purchase of additional leave.
- (5) In making this decision, the Chief Executive will consider the operational requirements of the Agency and the personal responsibilities of the officer.
- (6) An officer may commence participation in purchased leave arrangements from the beginning of each quarter in a year.
- (7) An alternative commencement date may be allowed where—
  - (a) the Chief Executive and officer agree on the alternative date; or

- (b) if, in the opinion of the Chief Executive, the officer experiences unforeseen personal circumstances.
- (8) Leave purchased must be taken within a twelve-month period from the date of commencement in the purchased leave scheme.
- (9) If leave is not taken within this period, the leave is forfeited and the value of the leave will be refunded at the end of the calendar year.
- (10) Purchased leave counts for service for all purposes.
- (11) The purchase of this leave does not affect the superannuation obligations of the employer or officer.

## Division 4.20.2 Christmas shutdown

### 444 Interpretation—div 4.20.2

In this division:

*Christmas shutdown* means the working days between 28 December and 31 December in any year.

*officer* includes a Chief Executive and an Executive.

*public holiday* means a day or part of a day declared under the *Holidays Act 1958*, declared by the Commissioner or otherwise provided for in the Standards.

### 445 Paid leave during Christmas shutdown

- (1) Unless otherwise provided by this section, an officer must be granted two days paid leave for those working days during the Christmas shutdown period where a public holiday does not fall.
- (2) A Chief Executive may direct or roster an officer to attend work during the Christmas shutdown period.
- (3) Unless an officer works under a 24/7 rostering arrangement, if an officer is directed or rostered during the Christmas shutdown period,

the officer is entitled to take the two days paid leave at another time agreed between the Chief Executive and the officer.

- (4) An officer that works under a 24/7-rostering arrangement and is directed or rostered during the Christmas shutdown period, the officer may either—
- (a) take the two days paid leave at a time agreed between the Chief Executive and officer; or
  - (b) elect to receive a payment equivalent to the pay they received for working on the two days or would have received had they worked on those two days.

### **Division 4.20.3      Parental leave**

#### **446      Application—div 4.20.3**

For the purposes of this division an officer includes a Chief Executive and an Executive.

#### **447      Primary care givers' leave**

- (1) Where an officer applies for this leave, a Chief Executive must grant 14 weeks paid primary care givers' leave to the officer where he or she—
- (a) demonstrates that he or she is the primary care giver of a new born or adopted child; and
  - (b) has been employed by the Territory for 12 months continuously; and
  - (c) is entitled to personal leave as a condition of his or her employment.
- (2) A period of paid primary care givers' leave counts as service for all purposes.

- (3) Unless the Chief Executive determines otherwise in extenuating circumstances—
- (a) a new-born must not be more than 14 weeks old before the commencement of the primary care givers' leave; or
  - (b) in the case of an adoption, the primary care givers' leave must commence no later than 14 weeks after the officer assumes responsibility for the child.
- (4) The officer may elect to spread the 14 weeks paid leave over 28 weeks at half-pay.
- (5) The whole period of primary care givers' leave counts as service for all purposes.
- (6) The Chief Executive may approve an officer taking primary care givers' leave in a non-continuous manner, provided that recreation leave or long service leave is not approved, until the officer has exhausted their paid primary care givers' leave credit.
- (7) The granting of primary care givers' leave is also subject to—
- (a) an officer who is entitled to maternity leave is not entitled to primary care givers' leave; and
  - (b) an officer may take primary care givers' leave up to a maximum of 14 weeks, provided—
    - (i) the Act, section 173 is satisfied; and
    - (ii) this leave is not taken at the same time as any other officer is receiving paid maternity leave or paid leave under section 438 or section 32 in relation to the same child; and
    - (iii) the officer's entitlement to paid primary care givers' leave is reduced by the amount of paid maternity leave already taken by the other officer referred to in subparagraph (ii).

**448 Paid bonding leave**

- (1) Where an officer applies for this leave, a Chief Executive must grant an officer five days paid bonding leave at the time of the birth or adoption of a child by a domestic partner.
- (2) Where the officer's domestic partner is also an officer, this leave may be taken concurrently with the domestic partner receiving paid maternity or primary care givers' leave.
- (3) A period of this leave counts as service for all purposes.

**449 Unpaid parental leave**

- (1) A Chief Executive may grant leave without pay to an officer following the birth or adoption of a child to enable them to care for the child.
- (2) This leave may commence on the day of birth of the child, or in the case of an adopted child on the day on which the officer assumes responsibility for the child.
- (3) Parental leave does not count as service for any purpose but does not break continuity of service.
- (4) The maximum period of such leave is 40 weeks, less any period of absence granted under the Act, part 8.
- (5) This period does not include the required period of absence described under that part of the Act.
- (6) If an officer's domestic partner is also an officer the aggregate period of leave granted to both of them under this section must not exceed 66 weeks.
- (7) This includes leave granted to the officer and the domestic partner under this division, and leave without pay granted to the officer and the domestic partner under the Act, part 8.



- (8) This aggregate period does not include the required period of absence described under that part of the Act.
- (9) The *Workplace Relations Act 1996* (Cwlth) sets out minimum entitlements to parental leave.
- (10) These minimum entitlements allow the child's primary carer 52 weeks to care for the child in the first year of the child's life.
- (11) The 52 weeks can be shared between the parents whether employed inside or outside the ACTPS.
- (12) A teacher who has completed three years service may make an application for up to four years parenting leave in total for the first child.
- (13) An extension of up to a further three years may be granted to a teacher for each subsequent child, provided—
  - (a) that the teacher becomes unattached from the beginning of the following school year; and
  - (b) the teacher gives the prescribed notice of intention to return to duty at the end of the period of the unattachment and accepts that placement will normally be made at the beginning of a school year.
- (14) The maximum leave available under this provision is seven years.

## Part 4.21 Other conditions

### 450 Interpretation—pt 4.21

In this part:

*officer* includes an employee.

### 451 Part-time work following maternity or parental leave

- (1) An officer returning to work following maternity or parental leave is entitled to access regular part-time employment for a period of up to two years from the birth or adoption of a child.
- (2) If an officer has taken maternity leave and another officer parental leave in relation to the same child, only one officer will be able to access the regular part-time employment under this section.

*Note* Parental leave includes primary care givers' leave under div 4.20.3.

## Chapter 5 Career moves

### Part 5.1 Promotions

#### 452 Application—pt 5.1

This part applies to officers unless specifically indicated otherwise.

#### 453 Interpretation—pt 5.1

In this part:

*Joint Selection Committee power to promote* means the power of a Chief Executive under the Act, section 88 (2) to promote an officer to fill a vacant office on the advice of a Joint Selection Committee.

*management-initiated Joint Selection Committee power to promote* means the power of a Chief Executive under the Act, section 89 (1) to promote an officer to fill a vacant office on the unanimous advice of a management-initiated Joint Selection Committee.

*normal power to promote* means the power of a Chief Executive under the Act, section 83 (1) to promote an officer to fill a vacant office.

#### 454 Advertising vacancies

Under the Act, section 83 (2), a Chief Executive must advertise in the gazette all vacancies that are to be filled using the normal power to promote except in prescribed circumstances as follows:

- (a) where an office had been advertised in the gazette, the relevant Chief Executive had filled the position and the person did not take up duty;

- (b) where an office was advertised in the gazette within the previous six months (promotion to which would be appellable), the office is filled but again becomes vacant and the classification and duties of that office are the same as those specified in the gazette notification;
- (c) where an office was advertised in the gazette within the previous six months (promotion to which would be appellable), and another office becomes vacant with classification and duties the same as those specified in the gazette notification;
- (d) where the vacancy is for an Administrative Service Officer Class 5 position and the relevant Chief Executive proposes to fill the vacancy with an officer who is—
  - (i) a Graduate Administrative Assistant; and
  - (ii) the appointment of the officer has been confirmed;
- (e) where the vacancy is to be filled under the Equal Employment Opportunity Program as set out under part 3.11.

#### **455 Non-appealable promotions**

For the purposes of the Act, section 84 (1), for an officer other than a teacher, a promotion is not subject to appeal if it is—

- (a) a promotion to an office having a classification with a maximum salary equal to or greater than the maximum salary of Senior Officer Grade C; or
- (b) a promotion to an office having a classification with a minimum salary higher than the maximum salary of ASO Class 6.

#### **456 Re-notifying promotions with major errors**

If a major error occurs in a promotion notification, the promotion must be re-notified.

**457 Date of effect of promotions**

- (1) If an officer elects to accept a promotion and no appeals are made against that promotion, the promotion takes effect on the later of—
  - (a) the 21st day after the last appealable promotion was notified; or
  - (b) the 7th day after the last non-appealable promotion was notified.
- (2) If an appeal against an appealable promotion is disallowed or becomes inoperative, the date of effect of that promotion is the later of—
  - (a) the twenty-first day after the promotion is notified in the gazette;
  - (b) the day the appeal is disallowed or becomes inoperative; or
  - (c) the day the office becomes vacant.
- (3) The date of effect of a promotion after a successful appeal is the later of the day the appeal is allowed or the day the office becomes vacant.
- (4) This is the prescribed day for the purposes of the Act, section 91 (3).
- (5) If an officer applies to the relevant Chief Executive to cancel a promotion under the Act, division 5.5, and the Chief Executive refuses the application, the date of effect of that promotion is the later of—
  - (a) the day the Chief Executive notifies the officer that the application has been refused; or
  - (b) the day the office becomes vacant.

**458 Payment of salary**

- (1) If an officer is promoted to an office, salary at the rate applicable to that office is payable to the officer from the date of effect of the promotion.
- (2) This is the prescribed day for the purposes of the Act, section 91 (2).

**459 Multiple Promotions**

- (1) If an officer is promoted to two or more offices with the same or equivalent classification and—
  - (a) the first promotion is notified in the gazette; and
  - (b) the later promotions are notified within twenty days if the first promotion is appealable, or within six days if the first promotion is non-appealable.
- (2) An officer may elect to accept one of those promotions.
- (3) The election must be in writing and received by the relevant Chief Executive before the later of—
  - (a) the 21st day after the last appealable promotion was notified; or
  - (b) the 7th day after the last non-appealable promotion was notified.
- (4) If an officer does not make an election or if the election does not comply with the above requirements, the following applies:
  - (a) if appeals have been made against all but one of the promotions, the promotion is the one that has had no appeals;
  - (b) if no appeals have been made against any of the promotions, or appeals have been made against all the promotions, the promotion is—
    - (i) the one notified first; or

- (ii) if more than one promotion was notified at the earliest time, the one nominated by the Commissioner;
  - (c) in any other case, the promotion is the one not subject to appeal which is nominated by the Commissioner.
- (5) If a promotion takes effect, the other promotions lapse on the later of—
  - (a) the 21st day after the last appealable promotion was notified; or
  - (b) the seventh day after the last non-appealable promotion was notified.
- (6) If an officer is promoted—
  - (a) to more than one office; and
  - (b) none of the promotions is covered by the above; and
  - (c) the promotions would normally take effect on the same day; then—
    - (d) for a promotion to an office with the same or equal classifications—the first of those promotions to be notified takes effect and the other promotions lapse on that day; and
    - (e) for a promotion to an office with different classifications—the promotion to the office with the highest classification takes effect and the other promotions lapse on that day.

## Part 5.2                      Transfer

### 460                      Application—pt 5.2

This part applies to officers unless specifically indicated otherwise.

### 461                      Interpretation—pt 5.2

In this part:

*normal power to transfer* means the power of a Chief Executive under the Act, section 83 (1) to transfer an officer to fill a vacant office.

*transfer* means any movement of an officer to another office within the Service, which is not a promotion.

### 462                      Date of effect of transfers

The date of effect of a transfer of an officer is the later of—

- (a) the seventh day after notice of the transfer is given to the officer; or
- (b) the date of effect indicated in the notice of the transfer; or
- (c) the day the office becomes vacant; or
- (d) if the officer applies for permission to decline the transfer—the day the relevant Chief Executive notifies the officer that permission is refused.

### 463                      Declining transfer within an agency

- (1) If a decision is made to transfer an officer to another office in the same agency, the officer may apply for permission to decline the transfer.



- (2) An application to decline a transfer must be made—
  - (a) in writing to the delegate who holds a higher office than the delegate who made the original transfer decision; and
  - (b) before the end of the sixth day after the officer is given notice of the transfer, or for an Executive, the day before the date of effect indicated in the notice of transfer if this is earlier.
- (3) If a delegate permits an officer to decline a transfer, the transfer is considered not to have been made.
- (4) A teacher must not be directed to perform duties with an authority of the Commonwealth, a State, another Territory or a place overseas in accordance with an arrangement under the Act, section 121 unless the teacher consents to perform the duties.

## **Part 5.3                      Cancelling promotions and transfers**

### **464                      Application—pt 5.3**

This part applies to officers as specified.

### **465                      Cancellation at the request of the promotee**

- (1) If a teacher applies to the relevant Chief Executive, under the Act, section 93, to cancel a promotion before its date of effect, the Chief Executive must cancel that promotion.
- (2) An officer may apply in writing to the relevant Chief Executive to have their promotion cancelled.
- (3) If an officer's application reaches the Chief Executive before the 21st day (for appealable promotions) or 7th day (for non-appealable promotions) after gazette notification, the promotion must not take effect until a decision is made on the application.

## **Part 5.4 Temporary performance**

### **466 Application—pt 5.4**

This part applies to officers.

### **467 Appealable directions**

- (1) For the purposes of the Act, section 102 (1), a direction to perform duties of a higher office is not appealable if—
  - (a) an officer has been selected on the advice of a Joint Selection Committee; or
  - (b) in the case of the teaching service, a temporary vacancy occurred after the start of the school year.
- (2) All other directions are appealable.
- (3) A direction to perform duties of a higher office is appealable if promotion to that office would be subject to appeal and—
  - (a) the direction would result in temporary performance for a continuous period of more than three months, including previous periods of temporary performance in the same office; or
  - (b) the direction is to continue until a specified event occurs.

### **468 Temporary reduction of classification**

A Chief Executive may approve a temporary reduction of an officer's classification if—

- (a) the officer has given written agreement to the transfer on reduction; and

- (b) the Chief Executive has directed the officer to perform temporarily the duties of an office under the Act, section 100; and
- (c) the Chief Executive is satisfied that the temporary reduction is in the interests of the officer's career.

## Part 5.5                      Mobility with the Australian Public Service

### 469            Application—pt 5.5

This part applies to an officer appointed from the Commonwealth under mobility provisions in the Act, section 115.

### 470            Recreation leave

Subject to the Standards, an APS officer appointed to the ACTPS under the mobility provisions of the Act, section 115 is entitled to—

- (a) recreation leave equal to the accrued recreation leave to which the officer was entitled immediately before ceasing to be a member of the APS; and
- (b) a recreation leave loading equal to the loading to which they were entitled immediately before ceasing to be an APS officer.

## Part 5.6                      Mobility with approved organisations

### 471            Application—pt 5.6

This part applies to an employee of an approved organisation.

### 472            Interpretation—pt 5.6

In this part:

*approved organisation* means an organisation listed in section 478.

*employee* means an employee of an approved organisation employed on other than a temporary basis.

### 473            Appointment of employees to the ACTPS

- (1) A Chief Executive may appoint an employee to an office in accordance with the Act, section 68 subject to this part.
- (2) If an employee does not commence duty within a reasonable time after the appointment takes effect, the Chief Executive may cancel the appointment.

### 474            Appointment by deemed transfer

- (1) If the appointment of an employee would be a transfer, had the employee been an officer of the ACTPS, in this section the appointment is referred to as a '*deemed transfer*' and the provisions of the Act, division 5.5 (Promotions and transfers of officers) apply to the appointment as if it were a transfer.
- (2) A deemed transfer is made under—
  - (a) the Act, section 88 if it is in accordance with the advice of a Joint Selection Committee constituted for the purposes of the Act, section 88; or

- (b) the Act, section 88 if it is in accordance with the unanimous advice of a Joint Selection Committee constituted for the purposes of the Act, section 89; or
  - (c) the Act, section 83 in all other cases.
- (3) A deemed transfer takes effect as provided by the Act, section 91 and the Standards as if it were a transfer.
- (4) An employee appointed under this part must resign from the approved organisation on the date their deemed transfer takes effect or later, but not before that date, in order for their appointment to take effect.
- (5) The appointment takes effect on the day on which the employee resigns from the approved organisation, which may be the same day that the deemed transfer takes effect, or a later date.
- (6) If the employee has resigned from the approved organisation before the deemed transfer takes effect, the appointment does not take effect.

#### **475 Appointment by deemed promotion**

- (1) If the appointment of an employee under this part would be a promotion had the employee been an officer of the ACTPS, the appointment is referred to as a 'deemed promotion' and, subject to this part and the provisions of the Act, division 5.5 (Promotions and transfers of officers) and the provisions of the *Merit Protection (Australian Government Employees) Act 1984* (Cwlth) apply to the appointment as if it were a promotion.
- (2) A deemed promotion is made under—
  - (a) the Act, section 88 if the appointment is in accordance with the advice of a Joint Selection Committee constituted for the purposes of the Act, section 88; or

- (b) the Act, section 88 if the appointment is in accordance with the unanimous advice of a Joint Selection Committee constituted for the purposes of the Act, section 89; or
  - (c) the Act, section 83 in all other cases.
- (3) Subject to this part, a deemed promotion takes effect as provided under the Act, section 91 as set out in this Standard.
- (4) Where an application is made to the MPRA under the Act, section 87 (1), the deemed promotion takes effect as follows:
  - (a) if the MPRA affirms the promotion under the Act, section 87 (3) (b), on the day after the decision is made;
  - (b) if the MPRA recommends under the Act, section 87 (4) that the deemed promotion be cancelled and the relevant Chief Executive decides under the Act, section 87 (6) not to cancel the deemed promotion, on the day after that decision is made.
- (5) An employee appointed under this part must resign from the approved organisation on the date their deemed promotion takes effect or later, but not before that date, in order for their appointment to take effect.
- (6) Subject to this part, an appointment takes effect on the day on which the employee resigns from the approved organisation, which may be the same day that the deemed promotion takes effect, or a later date.
- (7) If an employee resigns from an approved organisation before the deemed promotion takes effect, an appointment does not take effect.

## **476 Notification arrangements**

Appointments of employees are to be notified in either the 'Transfers' or 'Promotions' section of the gazette.



**477      Transfer of personnel files**

- (1) A Chief Executive may accept personnel records transferred to them by approved organisations for employees appointed to the ACTPS as if they had been maintained by the ACTPS or may transfer these records if an ACTPS officer or employee becomes an employee of an approved organisation.
- (2) Prior service with approved organisations is recognised for the purposes of leave eligibility (eg maternity leave).
- (3) Credits accrued by a new officer or employee whilst in service with an approved organisation are recognised in the ACTPS.

**478      Organisations Schedule—Approved organisations**

ACTTAB Limited

## **Part 5.7                      Managing excess officers**

### **479                      Application—pt 5.7**

- (1) This part applies to officers except those on probation unless specifically indicated.
- (2) The provisions of this part must not be used in cases of inefficiency or loss of qualifications.

### **480                      Length of service of an excess officer**

An absence during a period of eligible service which does not count as service for long service leave purposes also does not count for severance pay purposes, but does not break continuity.

## Part 5.8                      Redeployment of officers for    medical reasons

### 481            Application—pt 5.8

This part applies to officers except those whose probationary appointment has not been confirmed.

### 482            Interpretation—pt 5.8

In this part:

*approved medical practitioner* means a legally registered medical practitioner or registered medical specialist (other than a treating doctor) selected by the relevant Chief Executive for the purpose of providing advice on an officer's medical condition.

*approved rehabilitation provider* means a provider of rehabilitation services who is registered by COMCARE as an approved provider under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

*case manager* means an officer nominated by a Chief Executive to be responsible for monitoring a compensation case where an officer is or is likely to be, absent from work due to injury or illness for an extended period of time, or requires rehabilitation or support to return to work.

*case summary (non-compensation cases)* means a record detailing an officer's medical condition and action taken by management to return, retrain and/or rehabilitate the officer to achieve a return to work for officers with a non-compensable injury or illness.

*COMCARE* means the organisation established under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), section 68. A reference to COMCARE includes a reference to an officer or

employee authorised by COMCARE for the purposes of the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

**compensation case** means a case where the injury or illness is the subject of a compensation claim for which liability has been accepted under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

**Comsuper** means the Commonwealth Superannuation Administration, formerly the Retirement Benefits Office.

**health assessment** means independent advice of an officer's fitness for continued duty, taking account of all previous medical, and other, advice relating to the officer's condition.

**independent advice** means advice relating to an officer's medical condition obtained from a medical officer or an approved medical practitioner who is not providing treatment to the officer.

**medical officer** means a legally registered medical practitioner engaged to conduct medical examinations on behalf of the ACT Public Service, including examinations in connection with fitness for continued duty.

**registered medical specialist** means a registered medical practitioner who is approved by Health Services Australia, on behalf of the ACT Public Service, to provide independent specialist medical advice on an officer's medical condition.

**rehabilitation assessment** means an assessment of an officer's capability to undertake a rehabilitation program.

**Return to Work Program (compensation cases)** means an agreed plan of action established under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), section 40 detailing all the processes involved in returning an officer with a compensable condition to work.

***SRC Act (Commonwealth)*** means the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), formerly the *Commonwealth Employees' Rehabilitation and Compensation Act 1988* (Cwlth).

***the Board*** means the Commonwealth Superannuation Board of Trustees No 1, established under the *Superannuation Act 1990* (Cwlth) or the Commonwealth Superannuation Board of Trustees No 2 established under the *Superannuation Act 1976*.

***totally and permanently incapacitated*** in relation to an officer, means that the officer is unlikely ever to be able to work again in a job for which the officer is reasonably qualified by education, training or experience or for which the officer could reasonably be qualified after retraining.

***treating doctor*** means a legally registered medical practitioner chosen by an officer for the purposes of treatment of a medical condition of the officer.

#### 483 Case summary—non-compensation cases

The relevant Chief Executive must prepare, or arrange for a supervisor to prepare, a case summary in the case of an officer not claiming compensation or where liability for a claim has not been accepted, if—

- (a) the officer has been absent from duty for a period of four weeks and is likely to be absent for more than thirteen weeks; or
- (b) the officer has been absent from duty for a period of thirteen weeks; or
- (c) it appears that the officer will be absent indefinitely and it is unclear whether they will be able to return to their former position.

**484 Health assessment—non-compensation cases**

- (1) A health assessment will be paid for by the agency in which an officer is working at the time the injury is sustained or the illness is diagnosed.
- (2) The relevant Chief Executive must direct an officer to attend a health assessment if—
  - (a) the officer has been absent on account of illness for a total of thirteen weeks in any 26 week period; or
  - (b) reports from a treating doctor indicate the officer is unfit for their duties and that the prognosis is unfavourable.
- (3) The grant of further personal leave will be subject to the outcome of this medical examination.
- (4) A health assessment must be conducted by—
  - (a) an approved medical practitioner; or
  - (b) a medical officer; or
  - (c) a registered medical specialist; and
  - (d) not by the treating doctor.
- (5) A reasonable time before an officer is to be examined as part of a health assessment, the relevant Chief Executive must advise the officer, in writing of—
  - (a) the time and place of the examination; and
  - (b) the purpose of the examination; and
  - (c) the relevant provisions of the *Health Records (Privacy and Access) Act 1997* relating to confidentiality of medical information and the officer's right to have access to any information provided to the person conducting the health assessment; and

- (d) the officer's right to submit supporting material for consideration by the person conducting the health assessment.
- (6) On receipt of a health assessment, the Chief Executive must provide a copy of the assessment report to the officer as soon as possible, subject to the rules on handling sensitive medical information.

**485 Implementation of health assessment report—  
non-compensation cases**

If, as a result of a health assessment report, the relevant Chief Executive considers an officer is fit for their normal duties, they must—

- (a) notify the officer in writing of the decision; and
- (b) advise the officer they have fourteen days to dispute the decision; and
- (c) advise the officer that if they do not wish to dispute the decision, they must return to duty no later than fourteen days after the date of the Chief Executive's written notification.

**486 Disputing the fitness for duty decision—  
non-compensation cases**

- (1) An officer may dispute the decision by the relevant Chief Executive that they are fit for duty on the basis of new or more detailed medical evidence that they are not fit for duty.
- (2) The officer must provide any new or more detailed medical evidence within fourteen days after the date of the Chief Executive's written notification.
- (3) If at any stage it appears the officer is unable or unwilling to produce the required new evidence, the relevant Chief Executive must direct the officer to return to duty immediately.

- (4) If the relevant Chief Executive considers that new or more detailed evidence has been provided, they should grant the officer further personal leave and refer the matter to a medical review panel.

**487 Medical review panels—non-compensation cases**

- (1) If there is disputed medical evidence, a relevant Chief Executive may arrange an independent medical panel to review the officer's condition and make recommendations as to the officer's fitness for duty.
- (2) A panel's report to the Chief Executive must be taken as the definitive opinion on the medical condition of the officer.
- (3) The composition of the independent medical panel must be—
  - (a) a medical officer as the chairperson; and
  - (b) an appropriate medical specialist; and
  - (c) a registered medical practitioner or specialist nominated by the officer whose case is being considered.
- (4) With the exception of the officer's nominee, no member of the panel should have had any previous involvement in the case.
- (5) The relevant Chief Executive must advise the officer, in writing, of the establishment and composition of the panel.
- (6) The Chief Executive must also advise the officer that they have the opportunity to present written evidence to the medical review panel.
- (7) A review panel must submit a written report to the Chief Executive, signed by all members of the panel.
- (8) A member of the panel may also submit a separate report.
- (9) If the members of the panel disagree, the majority view is taken to be the view of the panel regarding the case.



- (10) The relevant Chief Executive must advise the officer of their decision in light of the review panel's findings and recommendations.
- (11) If a Chief Executive decides that an officer is fit to resume duty on the basis of a recommendation from the medical review panel, they must—
  - (a) direct the officer to return to work; and
  - (b) refer any further medical certificates in relation to the injury or illness to a senior medical officer for advice on their acceptability.
- (12) If an officer does not comply with a direction to return to work, the relevant Chief Executive must immediately commence forfeiture of office procedures against the officer.
- (13) If the relevant Chief Executive decides that the officer is not fit to resume duty on the basis of a recommendation from the medical review panel, they should proceed with action detailed in part 5.11.
- (14) An officer must cooperate with all actions taken by the relevant Chief Executive to place them in a suitable position.

## **Part 5.9                      Redeploying officers who lose an essential qualification**

### **488                      Application—pt 5.9**

- (1) This part applies to officers except those on probation.
- (2) It does not apply to employees.

### **489                      Notifying loss of qualification**

An officer must notify the relevant Chief Executive if they lose an essential qualification.

### **490                      Consent to reduction**

- (1) An officer may consent in writing to being reduced in classification before the relevant Chief Executive takes formal reduction action under the Act, section 143.
- (2) The relevant Chief Executive must provide a statement of reasons and explain that if an officer consents, they will not be able to appeal against the reduction.

## Part 5.10 Retrenching excess officers

### 491 Application—pt 5.10

- (1) This part applies to officers except those on probation.
- (2) If different arrangements apply to a group of officers, this is specifically indicated.
- (3) The excess officer provisions must not be used in cases of inefficiency or loss of qualifications.

### 492 Interpretation—pt 5.10

In this part:

*excess officer* includes—

- (a) an officer in a class of officers which has more officers than necessary for the efficient and economical working of the agency; or
- (b) an officer whose services cannot be effectively used because of technological or other changes in the work methods of the agency or changes in the nature, extent or organisation of the functions of the agency; or
- (c) an officer whose usual duties are to be performed at a different locality and the officer is not willing to perform duties at that locality, if the Commissioner has approved applying the excess officer provisions to that relocation.

*retrenchment* means retirement of an excess officer under the Act, section 143 (1).

*service* means when an industrial instrument provides for benefits depending on an excess officer's length of service—

- (a) any Commonwealth or ACTPS service which is recognised for long service leave purposes where there has been no break at all between the various periods of employment or where there was a break between an officer resigning under the former 'marriage bar' and later re-entering Commonwealth or ACTPS service except for any periods of service which ended because of—
  - (i) retrenchment; or
  - (ii) invalidity retirement; or
  - (iii) inefficiency; or
  - (iv) loss of qualifications; or
  - (v) forfeiture of office; or
  - (vi) dismissal as a result of disciplinary action; or
  - (vii) termination of probationary appointment for reasons of unsatisfactory service; or
  - (viii) voluntary retirement at or above the minimum retiring age; and
- (b) absences during a period of employment which do not count as service for long service leave purposes are also not counted for severance pay purposes, but they do not break continuity.

#### **493      Effect of consent on appeal rights**

The relevant Chief Executive must explain that if an officer consents to retrenchment, they will not be able to appeal against the retrenchment.

**494 Notice of retrenchment—officers**

A notice of retrenchment of an officer must—

- (a) provide a statement of the reasons for the notice; and
- (b) indicate the officer's right of appeal, unless the officer has given prior written consent to the retrenchment.

## Part 5.11                      Invalidity retirement—officers

### 496                      Application—pt 5.11

This part applies to all officers except those on probation.

### 497                      Interpretation—pt 5.11

In this part:

*invalidity* is as defined in the Act, section 143 (1) and section 144 (1) as when an officer is unable to perform his or her duties, or other duties appropriate to the officer's classification, because of physical or mental incapacity.

### 498                      Invalidity retirement with consent

- (1) A Chief Executive must explain that, if an officer consents to retire on invalidity grounds, they will not be able to appeal against the retirement.
- (2) A notice of retirement must—
  - (a) provide a statement of the reasons for the notice; and
  - (b) indicate the officer's right of appeal.
- (3) Under the Act, section 143 (7), the notice may specify the day the notice is proposed to take effect.

## Part 5.12 Retirement of officers

### 499 Application—pt 5.12

This part applies to all officers except those on probation and to employees except Chief Executive's and Executive's with 12 months continuous service.

*Note* Inefficiency procedures are generally contained in Agency Certified Agreements.

### 500 Interpretation—pt 5.12

In this part:

*inefficiency* has the same meaning as in the Act, section 139.

### 501 Inefficiency retirement with consent

- (1) A Chief Executive must explain that if an officer consents to retire on inefficiency grounds, they will not be able to appeal against the retirement.
- (2) A notice of retirement must—
  - (a) provide a statement of the reasons for the notice; and
  - (b) indicate an officer's right of appeal, unless the officer has given prior written consent to the retirement.

### 502 Retirement of officers who lose an essential qualification

- (1) This section applies to officers except those on probation.
- (2) It does not apply to an employee.
- (3) A Chief Executive must explain that if an officer consents to retirement due to loss of qualifications, they will not be able to appeal against the retirement.

- (4) A notice of retirement must—
  - (a) provide a statement of the reasons for the notice; and
  - (b) indicate an officer's right of appeal, unless the officer has given prior written consent to the retirement.

### **503 Termination of probationary Appointment**

- (1) This section applies to an officer appointed on probation before their appointment is confirmed.
- (2) A Chief Executive must give an officer on probation the opportunity to state their case before making a termination decision.
- (3) If the relevant Chief Executive decides to terminate an appointment, they must—
  - (a) notify the probationer of the decision, the reason for it and the date of effect of the decision; and
  - (b) issue and sign a formal instrument of termination that states the name and classification of the officer, the date of termination and the position details.
- (4) Although an officer has no right of appeal against a decision to terminate a probationary appointment, they must be treated with fairness.
- (5) If the officer considers they have not been treated fairly they may request the Chief Executive to reconsider the decision.



## Chapter 6                      Managing grievances, appeals and discipline

### Part 6.1                      Dealing with grievances and other appeals

#### 504                      Application—pt 6.1

This part applies to officers and employees except Chief Executives and Executives.

#### 505                      Interpretation—pt 6.1

In this part:

**Director** means the Director of the Merit Protection and Review Agency.

**internal appeal officer** means—

- (a) in the case of a decision of, or action taken by, the relevant Chief Executive, the Commissioner, or another Chief Executive nominated by the Commissioner; or
- (b) in the case of a decision of, or action taken by a delegate of the relevant Chief Executive—the delegate, being of an office having a higher classification than the office of the delegate who made the relevant decision or who took the relevant action; or
- (c) in any other case—the relevant Chief Executive.

**Merit Protection Act** means the *Merit Protection (Australian Government Employees) Act 1984* (Cwlth).

**MPRA** means the Merit Protection and Review Agency established by the *Merit Protection (Australian Government Employees) Act 1984* (Cwlth).

**officer** means the relevant Chief Executive or a person authorised within the meaning '*authorised person*' in the Act, section 223.

**506 Delay in responding to request**

- (1) An officer who has requested a review of a decision under the Act, section 225 or an investigation under the Act, section 231, may, if they have had no response within 21 days of the date of delivery of the request, request in writing that the MPRA ask the internal appeal officer to state how far the review or investigation has progressed or to expedite the review or investigation, or both.
- (2) An agency receiving a request from the MPRA must comply with the request as soon as practicable after receipt.
- (3) The relevant authority shall not later than 10 days after receiving a request notify the agency of the extent of progress of the review of the original request.

## Part 6.2 Promotion appeals

### 507 Application—pt 6.2

- (1) This part applies to all officers.
- (2) The provisions of section 510 and section 511 apply for the purposes of the Act, section 84 (5).

### 508 Interpretation—pt 6.2

In this part:

*non-appealable promotion* means a promotion to which the promotion appeal rights under the Act, section 84 do not apply, but does not include promotion to an office of Chief Executive or Executive.

### 509 Officers allowed to appeal

- (1) If an appealable promotion was not advertised before the promotion of an officer, any other officer may appeal.
- (2) If an appealable promotion was advertised before the promotion of an officer, only an applicant for the promotion may appeal.

### 510 14 day period for lodgement of promotion appeals

- (1) An appeal against a promotion must be lodged within fourteen days of notification of the promotion appearing in the gazette.
- (2) The Commissioner may extend the period for an appeal to be lodged if they consider it appropriate.

**511 Appeals against temporary transfer**

- (1) The relevant Chief Executive must notify a direction for the temporary transfer of an officer under the Act, section 101 (2) (c) in writing.
- (2) A direction takes effect on the date on which the notification occurred or on a later date specified in the notice.
- (3) The prescribed day for appeals under the Act, section 102 (3) is the fourteenth day after the day of notification of a direction.

**512 Determination of appeals by returned soldiers**

For the purposes of the Act, section 85 (2) (b), in relation to a returned soldier who has been absent on active service or specified defence service, a Promotion Appeals Committee, in assessing the efficiency of that officer, should consider the abilities, qualifications, experience and potential for future career development that the officer would have had but for their absence on active service or on specified defence service.

**513 Review of non-appealable promotions**

For the purposes of appeals under the Act, section 87 (1) the prescribed period is 14 days.

## Part 6.3 Misconduct

### 514 Application—pt 6.3

This part applies to all officers and employees other than Chief Executives and Executives.

### 515 Interpretation—pt 6.3

In this part:

*misconduct* means a failure of an officer to fulfil his or her duty as an officer in terms of the Act, section 178.

### 516 Misconduct committed before becoming a detached officer

- (1) For the purposes of the Act, section 195 (1), a detached officer may be charged with misconduct committed by them before becoming a detached officer as if the officer were being charged with misconduct under the Act, section 186.
- (2) For the purposes of the Act, section 195 (2), an inquiry may be held into a charge of misconduct against a detached officer under the Act, section 195 (1) as if that inquiry were being held under the Act, section 187 (1) to (5).

### 517 Misconduct while detached officer

- (1) For the purposes of the Act, section 196 (1), a detached officer may be charged with misconduct committed by them while a detached officer, as if the officer were being charged with misconduct under the Act, section 186.
- (2) For the purposes of the Act, section 196 (2), an inquiry made be held into a charge of misconduct against a detached officer under

the Act, section 196 (1) as if that inquiry were being held under the Act, section 187 (1) to (5).

**518 Criminal offences and detached officers**

For the purposes of the Act, section 197 (1) (b), the prescribed class of persons shall be any person holding an office of Chief Executive appointed under the Act, section 28.

## Chapter 7 Administration and training

### Part 7.1 Travel—domestic and international

#### 519 Application—pt 7.1

- (1) All ACT Public Service staff, when travelling for official purposes, are required to abide by this part and Agency Travel Guidelines, unless alternative Award provisions apply.
- (2) Agency Travel Guidelines must indicate which staff are affected by those Award provisions.

#### 520 Interpretation—pt 7.1

In this part:

*domestic travel* is defined as official travel to any destination within Australia.

*international travel* is defined as official travel to any destination outside Australia.

*lowest Logical Fare* is defined as the most economical available air fare that suits the requirements of a traveller in enabling business objectives to be met, and ensures effective use of the traveller's time.

*official travellers* are defined as employees of the ACT Public Service who are travelling away from their normal place of work for official purposes.

*reasonable costs* are defined as legitimate work related expenses that are incurred to conduct official business efficiently and effectively.

**521 Agency travel guidelines**

It is the responsibility of the Chief Executive of each agency to develop, implement and communicate current Travel Guidelines consistent with this part.

**522 Authority to travel**

- (1) All official ACT Public Service travel is to be authorised prior to travel.
- (2) Travel must not be authorised by the traveller under any circumstances.
- (3) All domestic travel is to be authorised according to arrangements determined by agency Chief Executives, that must be specified in agency Travel Guidelines.
- (4) All official international travel must be authorised by the relevant Minister or delegate.
- (5) This includes all official travel paid for privately or by the ACT Public Service.

**523 Travel arrangements**

- (1) The ACT Public Service will select, through a competitive process, a travel manager as a preferred provider of travel and related services.
- (2) The travel manager must be used at all times to provide domestic and international air travel, accommodation, rental cars and all other travel related services.
- (3) Details of the travel manager must be maintained in agency Travel Guidelines.



## 524 Air travel class and booking

- (1) The travel manager has been instructed to book all travel at the lowest logical fare.
- (2) All travel must be undertaken within the class specified in table 524 and every effort should be made to utilise any advance purchase ticket options available.

**Table 524**

column 1	column 2 Domestic	column 3 International
Chief Executives and Executives	<ul style="list-style-type: none"><li>• Lowest Logical Fare, Economy Class for all trips or parts of trips under 4 hours in the air;</li><li>• Lowest Logical Fare, Business Class for all trips or parts of trips exceeding 4 hours in the air.</li></ul>	Lowest Logical Fare, Business Class.
Non-Executives	Lowest Logical Fare, Economy Class for all travel.	Lowest Logical Fare, Economy Class.

- (3) Booking procedures must be stated in agency Travel Guidelines.
- (4) The traveller must promptly advise the travel manager of cancelled or changed travel arrangements and arrange for a refund on unused tickets or portions of tickets.
- (5) This includes all paper and electronic tickets.

- (6) Lost or stolen tickets must be reported promptly to obtain the maximum refund.
- (7) Unused official tickets must not be used for unofficial purposes.

## **525 Accommodation rating and booking**

- (1) All accommodation bookings should be in accordance with the approved maximum accommodation standards in table 525.

**Table 525**

<b>column 1</b>	<b>column 2</b> <b>Domestic</b>	<b>column 3</b> <b>International</b>
Chief Executive	4.5 Star	4.5 Star
Executives	4 Star	4 Star
Non Executives	3 Star	3.5 Star

- (2) Any deviation must be justified as being a reasonable cost.

## **526 Payment arrangements for travel related expenses**

- (1) The preferred arrangement for payment of travel expenses (including airfares, accommodation and car hire) is through the agreed charging arrangements with the ACT Public Service travel manager.
- (2) This arrangement must be stated in agency Travel Guidelines.
- (3) Other payment options available for expenses are—
  - (a) reimbursement of reasonable travel expenses; and
  - (b) use of Cabcharge; and
  - (c) use of corporate credit card; and
  - (d) cash advances.

**527 Reimbursement of reasonable travel expenses**

- (1) The ACTPS will reimburse all reasonable and legitimate travel related expenses incurred in the course of travelling for official purposes.

*Note* Public Sector Management may, from time to time, issue advice to assist in applying this section.

- (2) This information must be incorporated into agency Travel Guidelines.

**528 Meals**

- (1) Travellers will be reimbursed for actual, reasonable and appropriate meal expenses.
- (2) Meal expenses must not be reimbursed for travel that is less than ten hours or during single day travel, when meals would normally be provided by the traveller in the normal course of the working day.
- (3) Meal expenses must not be claimed when included in other travel expenses.

**529 Incidental expenses**

- (1) Reasonable incidental expenses, when directly related to official travel, are reimbursable by the ACTPS.
- (2) These include reasonable work related expenses not normally incurred in the normal course of the working day.
- (3) In instances when it is not practical or possible to use a corporate credit card, the traveller can claim a cash reimbursement provided legible receipts are provided.

**530 Corporate credit cards**

- (1) Corporate credit cards are a payment mechanism for official travel and related expenses for those travellers formally issued with a card.

- (2) Alternative reimbursement mechanisms will be available for those staff not approved to hold a corporate credit card.
- (3) Travellers issued with a corporate credit card should use the card to settle costs incurred when travelling for official purposes, where these costs are not able to be paid under the agreed charging arrangements with the ACT Public Service selected travel manager.
- (4) Corporate credit cards must not be used for the purchase of airline tickets except in exceptional circumstances, such as cancelled flights, lost tickets, etc.
- (5) Corporate cards must be used in accordance with cardholder agreements, the ACT Public Service's contractual obligations, agency Travel Guidelines and this part.
- (6) Corporate cards are intended for official use only and must not be used for personal expenses.

### **531 Cash access**

- (1) A cash access facility is available and should be authorised in accordance with arrangements determined by individual agencies which must be set out in agency Travel Guidelines.
- (2) In the event that a cash access facility is approved, the cardholder must submit a detailed substantiation of cash usage when requesting card reimbursement.

### **532 Reimbursement of cards**

- (1) Travellers must certify monthly corporate credit card expense statements, confirming that all costs were reasonable and incurred for official purposes.
- (2) All expenses charged to corporate credit cards must be supported by receipts or other acceptable documentation.

- (3) Managers must approve all expenditure as reasonable and for travel related purposes prior to payment of the account being authorised.
- (4) This includes an audit of expense claims for accuracy, validity and compliance with this part.
- (5) These procedures must be stated in agency Travel Guidelines.

**533 Misuse**

- (1) Misuse of corporate credit cards including non-approved or unaccountable expenditure will be subject to recovery action and disciplinary action.
- (2) Disciplinary provisions must be stated in agency Travel Guidelines.

**534 Cash advances**

- (1) In certain circumstances an aquittable cash advance facility is available for domestic and international travel expenses.
- (2) Authorisation procedures for this facility must be outlined in agency Travel Guidelines.

**535 Frequent Flyer Program**

- (1) Frequent flyer points accrued as a result of travel and accommodation paid for by the ACT Public Service must be used for further official travel.
- (2) The points should not be used to upgrade the class of air travel to a level exceeding that stated within this part.
- (3) Chief Executives are accountable for ensuring that points earned are used to the maximum benefit of the ACT Public Service.

**536 Official non-ACT Public Service travel**

- (1) Travel paid for by the ACT Public Service for non-ACT Public Service travellers may include official domestic partner travel, travel by interviewees and travel by consultants or contractors.
- (2) Travel must only be approved where it directly relates to the effective accomplishment of official business.
- (3) In these limited instances, prior written approval of the Chief Executive or delegate must be obtained.

**537 Recreation leave while travelling**

- (1) Authorised official travellers wishing to take recreation leave during, or at the conclusion of official travel should obtain the appropriate approval consistent with arrangements determined by agency Chief Executives.
- (2) Expenses incurred during leave are at the traveller's own cost.
- (3) If insurance has been obtained for official travel, it will not cover the traveller for the duration of the recreation leave.

**538 Travel insurance**

- (1) Travel insurance decisions should be based on risk management principles and include factors such as the nature and destination of the trip.
- (2) International travel will normally require travel insurance.
- (3) If necessary, the cost of travel insurance will be met as a reasonable work related expense by the ACT Public Service.
- (4) All legitimate and reasonable work related claims will be covered by the ACT Public Service.

**539 Traveller's health and safety**

- (1) Adequate resources and procedures must be established within agencies to ensure that appropriate precautions are taken to protect the health and safety of the traveller.
- (2) These procedures and strategies must be detailed in agency Travel Guidelines.

## **Part 7.2                      Non executive vehicles**

### **540                      Authorised use**

- (1) An ACTPS vehicle must be made available for use by authorised personnel during normal working hours.
- (2) The use of a non-Executive vehicle must be approved by the relevant Chief Executive and include authority to drive and to carry passengers.
- (3) Approval to carry persons other than ACTPS employees may only be given where the use is related to the business operations of an agency or as a result of an emergency or special circumstance.
- (4) If a person other than an ACTPS employee is transported in an ACTPS vehicle in an emergency or special circumstance the driver must advise their supervisor as soon as possible as to the circumstances.

### **541                      Driver responsibilities**

- (1) A driver is responsible for the care of an ACTPS vehicle in their control in accordance with the guidelines set out in the whole of government policy for non-executive vehicle management and the general obligations of public employees as set out in section 9 of the Act.
- (2) A driver must hold a current, valid and appropriate licence, or where they are required to upgrade an existing driver's licence for employment purposes they must comply with the relevant conditions set out in the whole of government policy for non-executive vehicle management including obtaining the prior approval of their supervisor.



- (3) A driver of an ACTPS vehicle must not:
  - (a) smoke in an ACTPS vehicle;
  - (b) consume alcohol in an ACTPS vehicle; or
  - (c) carry alcohol in or on an ACTPS vehicle unless special approval has been given by the relevant Chief Executive.
- (4) A driver is personally responsible for any breaches of ACT Road Transport Law if they are in control of a vehicle and must pay any fine incurred.

#### **542 Home garaging**

- (1) Home garaging of non-Executive vehicles, including home garaging outside of the ACT, is not permitted unless approved by the relevant Chief Executive in accordance with the whole of government policy for non-executive vehicle management.
- (2) Approval for home garaging of a non-Executive vehicle extends to travel to and from work for the purposes of home garaging, but does not extend to the private use of the vehicle.
- (3) A home garaged vehicle must be parked behind the property line and, if available, under cover.

#### **543 Private use**

Private use of a non-Executive vehicle is not permitted unless approved by the relevant Chief Executive.

#### **544 Recording and reporting**

An agency must keep appropriate records of ACTPS vehicles, including home garaging and private use, and comply with the reporting requirements set out in the whole of government policy for non-executive vehicle management.

**545 Range of available vehicles**

- (1) The relevant Chief Executive will determine the range of vehicles available to agencies and the related replacement parameters.
- (2) In determining the range of available vehicles, including replacement vehicles, the relevant Chief Executive should have regard to the specification requirements set out in the whole of government policy for non-executive vehicle management.
- (3) If the agency sells the vehicle early, the agency is liable for all financial penalties resulting from the sale.

**546 Additional vehicles**

All additional non-Executive vehicles must be justified on the grounds of operational necessity or cost effectiveness and approved by the relevant Chief Executive.

**547 Vehicle hire**

- (1) Vehicles must not be hired on a short term basis to cover a long term need.
- (2) Each vehicle hire must be individually justified to and approved by the relevant Chief Executive.

**548 Private plated vehicles**

- (1) A private-plating of a non-Executive vehicle is limited to special circumstances and subject to approval from the relevant Chief Executive.
- (2) A request for approval must outline the purpose, requirements and justification for the request including details of compliance with government policy.

**549      Vehicle maintenance**

- (1) An ACTPS vehicle is to be maintained in a safe and roadworthy condition and serviced in accordance with the whole of government policy for non-executive vehicle management.
- (2) An agency must advise the Territory Fleet Provider of a defect requiring correction or arrange to have the defect corrected by an authorised repairer. A vehicle with a defect that renders it unsafe must not be driven.
- (3) An ACTPS vehicle must not be modified or have accessories added without the prior approval of the Territory Fleet Provider.
- (4) Prior approval by the relevant Chief Executive is required before any logos are affixed to ACTPS vehicles.

**550      Purchase of fuel**

- (1) A fuel card is to be used only for the purchase of fuel and top up oil from approved outlets for the official use of specified ACTPS vehicles.
- (2) The use of a fuel card for any other vehicle or receptacle or for other than official purposes is not permitted.
- (3) An accurate odometer reading must be recorded each time an ACTPS vehicle is supplied with fuel.
- (4) A loss of fuel from an ACTPS vehicle is to be reported to agency management.
- (5) Damage to a fuel card must immediately be reported to the agency contact officer and to the Territory Fleet Provider.

## Part 7.3 Executive vehicles

### 551 Interpretation—pt 7.3

In this part:

***business use*** means the use of an executive vehicle for purposes associated with the operation of the agency.

***executive*** means—

- (a) an executive; or
- (b) a chief executive.

***executive vehicle*** means a self drive and private plated passenger motor vehicle which is provided to an executive as part of their total remuneration package, and includes any vehicle provided in lieu of that vehicle.

***monthly lease rate*** means the base lease rate for a vehicle based on a lease term of 24 months or 40,000 kilometres, quoted by the Territory's fleet manager at the time an order is placed for the vehicle.

***people mover*** means a small van with the capacity of carrying a maximum of eight passengers, including the driver.

***private use*** means the use of an executive vehicle for private or non-business purposes.

***statutory office*** means an office established under an Australian Capital Territory law.

***sedan*** means a car with—

- (a) two rows of seating; and
- (b) four doors; and

- (c) a separate boot; and
- (d) the capacity of carrying a maximum of five passengers, including the driver.

**wagon** means a car with—

- (a) two rows of seating; and
- (b) four doors; and
- (c) an extended interior providing additional space behind the rear row of seating; and
- (d) a separate boot accessible by a door or tailgate; and
- (e) the capacity of carrying a maximum of five passengers, including the driver.

#### **551A Application—pt 7.3**

- (1) This part applies to—
  - (a) executives; and
  - (b) full time statutory office holders, subject to subsection (2).
- (2) This part does not apply to—
  - (a) the clerk of the Legislative Assembly; or
  - (b) the Chief Justice of the Supreme Court; or
  - (c) Judges of the Supreme Court; or
  - (d) acting Judges of the Supreme Court; or
  - (e) the Master of the Supreme Court; or
  - (f) the Chief Magistrate; or
  - (g) Magistrates.

- (3) In this part a reference to an executive includes a reference to a full time statutory office holder to whom this part applies.

**551B Executive vehicle entitlement**

- (1) An executive shall be entitled to the use of a four cylinder executive vehicle, within the Territory's leasing arrangements.
- (2) An executive shall be entitled to a parking space for the executive's vehicle at or near the executive's principal place of work.
- (3) If an executive vehicle is to be returned, replaced, purchased or transferred, this must be done in accordance with the requirements of the fleet provider and the whole of government policy for executive vehicle management.

**551C Executive vehicle entitlement—part-time executives**

- (1) Subject to subsection (2), an executive who works regular hours but is engaged on a part-time basis will continue to receive the vehicle entitlement as if they were a full time executive.
- (2) The administering chief executive as defined in the *Public Sector Management Act 1994* section 3, may approve requests, made in writing from the relevant agency chief executive, that the vehicle entitlement of an executive engaged on a part-time basis be restricted to a pro rata basis.
- (3) Having regard to all circumstances, the administering chief executive, in consultation with the relevant agency chief executive, is required to consider and advise on the administrative arrangements required for the provision of a pro rata vehicle entitlement.

**552 Choice of motor vehicle**

- (1) When entering into a lease for an executive vehicle with the fleet provider, an executive is entitled to choose an executive vehicle, subject to—
  - (a) the requirements of this section; and
  - (b) the requirements of the fleet provider; and
  - (c) the specifications in the whole of government policy for executive vehicle management.
- (2) The vehicle models available to an executive with an executive vehicle entitlement are—
  - (a) a sedan; or
  - (b) a wagon; or
  - (c) a people mover.
- (3) The vehicle selected by an executive must be a four cylinder vehicle.
- (4) The vehicle model selected by an executive must be suitable for business use at the ordinary place of work of the executive.
- (5) An executive vehicle may be Australian made or imported.

- (6) An executive must select a vehicle with a value no greater than the relevant monthly lease rate set out in table 552.

*Note 1* In table 552 the executive remuneration zone listed in col 1 is the zone determined in s 38.

*Note 2* In table 552 the monthly lease rate is GST exclusive.

**Table 552**

<b>column 1</b>	<b>column 2</b>
<b>remuneration zone</b>	<b>monthly lease rate entitlement</b>
Zone 1 or equivalent remuneration	\$728
Zone 2 or equivalent remuneration	\$806
Zone 3 or equivalent remuneration	\$925

- (7) Where a statutory office holder receives remuneration that does not align with a remuneration zone as determined in section 38 the administering chief executive as defined in the *Public Sector Management Act 1994* section 3, must determine the appropriate monthly lease rate.
- (8) The administering chief executive as defined in the *Public Sector Management Act 1994* section 3, may, on a case-by-case basis and having regard to the particular circumstances, consider requests from other chief executives to exceed the monthly lease rate set out in table 552 by up to 5%.



## 553 Payment in lieu of an executive vehicle entitlement

- (1) An executive may elect to receive payment in lieu of the entitlement to an executive vehicle for the value set out in table 553.

*Note 1* In table 553 the executive remuneration zone is the zone determined in s 38.

*Note 2* In table 553 the value of payment is GST exclusive.

**Table 553**

column 1 remuneration zone	column 2 value of payment in lieu
Zone 1 or equivalent remuneration	\$15,500 per annum
Zone 2 or equivalent remuneration	\$16,000 per annum
Zone 3 or equivalent remuneration	\$17,500 per annum

- (2) Where a statutory office holder receives remuneration that does not align with a remuneration zone as determined in section 38 the administering chief executive as defined in the *Public Sector Management Act 1994* section 3, must determine the appropriate value of payment in lieu.
- (3) Payment in lieu of an executive vehicle will be paid in fortnightly instalments.
- (4) Where an executive elects to receive payment in lieu of an executive vehicle, the executive—
- (a) is entitled to retain access to a parking space; and
  - (b) is not entitled to access any other entitlements provided under this part.
- (5) An executive may elect to receive payment of \$2500 in lieu of the entitlement to a parking space.

- (6) Payment in lieu of a parking space will be paid in fortnightly instalments.
- (7) Where an executive is engaged on a part-time basis, and is restricted to a pro rata vehicle entitlement under section 551C, any payment in lieu of the entitlement to an executive vehicle must be made on a pro rata basis.

#### **554 Executive vehicle modification**

- (1) If an executive has a disability that affects his or her ability to drive a standard vehicle, the executive shall be entitled to such modifications the relevant chief executive certifies in writing as being reasonably necessary to enable the executive to drive a vehicle.
- (2) If a chief executive has a disability that affects his or her ability to drive a standard vehicle, the chief executive shall be entitled to such modifications or options as the Commissioner certifies in writing as being reasonably necessary to enable the chief executive to drive a vehicle.
- (3) An executive shall be able to choose optional items of equipment to be fitted to his or her executive vehicle in accordance with requirements specified in the whole of government policy for executive vehicle management.
- (4) Any other modification to an executive vehicle must be made in accordance with the requirements specified in the whole of government policy for executive vehicle management.

#### **554A Executive vehicle maintenance and running costs**

- (1) Subject to subsection (3) all executive vehicle maintenance costs will be met by the Territory.
- (2) All running costs of an executive vehicle will be met by the Territory.

- (3) Where, as a result of the conduct of the driver of an executive vehicle, the Territory's insurance arrangements will not respond in part or in whole to a claim for damage to an executive vehicle, the driver (or where the driver is the executive or a person nominated by the executive, the executive) will be required to meet the repair costs, not covered by the Territory's insurance arrangements, associated with restoring that executive vehicle.

**554B Executive vehicle care**

- (1) An executive must ensure that due care and security is afforded to executive vehicles.
- (2) In accordance with subsection (1), an executive who home garages an executive vehicle must—
- (a) park the executive vehicle behind the property line; and
  - (b) if possible, park the executive vehicle under cover.

**555 Authorised use of an executive vehicle**

- (1) Any driver of an executive vehicle must—
- (a) hold an appropriate license; and
  - (b) obey all traffic laws and parking restrictions; and
  - (c) abide by the requirements outlined in the whole of government policy for executive vehicle management.
- (2) The driver in control of an executive vehicle is personally responsible for any breaches of traffic laws and parking restrictions, and must pay any fines incurred.

**555A Business use of an executive vehicle**

- (1) Subject to subsection (2), when an executive is at his or her normal place of work the executive must bring the executive vehicle to

work and make it available for business use by the executive's agency during normal business hours.

- (2) When an executive's vehicle is being repaired or serviced, or undergoing a similar process, the executive is not required to bring the executive vehicle to his or her normal place of work.
- (3) Officers and employees who drive an executive vehicle are subject to the same conditions related to the authorised use of that vehicle as the executive.
- (4) Staff of the executive's agency who use the executive vehicle must—
  - (a) report vehicle accidents and defects to the agency; and
  - (b) record accurate and timely information on business use of the vehicle; and
  - (c) ensure that all cargo is properly secured; and
  - (d) abide by the requirements outlined in the whole of government policy for executive vehicle management.

**555B Private use of an executive vehicle**

- (1) An executive may use an executive vehicle for private purposes outside of normal business hours.
- (2) An executive vehicle may only be driven for private purposes by—
  - (a) the executive to whom the vehicle is provided; or
  - (b) an appropriately licensed driver nominated by the executive to the agency who is approved by the agency.
- (3) The executive's agency shall maintain a register of drivers approved to drive executive vehicles for private purposes.

- (4) Drivers approved to drive an executive vehicle for private purposes are subject to the same conditions of authorised use of that vehicle as the executive.
- (5) An executive must not use an executive vehicle for personal gain, or the personal gain of any other person.
- (6) An executive must not permit another person to use an executive vehicle for the executive's personal gain, or the personal gain of any other person.

## **556 Record-keeping**

- (1) An agency must keep appropriate records on the use of executive vehicles—
  - (a) for fringe benefits tax calculation and audit purposes; and
  - (b) to enable the monitoring of the executive vehicle use for servicing and replacement purposes.
- (2) An agency is responsible for the calculation and payment of any fringe benefits tax liability associated with executive vehicles.

## Part 7.4 Training and development

### 557 Interpretation—pt 7.4

In this part:

*development* means the longer term acquisition of broad abilities and positive values, together with the capacity to take on increased organisational responsibilities.

*training* means the acquisition of specific skills and knowledge, either through formal training and education programs, or informally through practical experience and training on-the-job.

### 558 Performance Management Schemes

- (1) The Commissioner is responsible for—
  - (a) issuing principles and guidelines for ACT Public Service Performance Management Schemes; and
  - (b) ensuring appropriate monitoring and assistance to agencies in the implementation of Performance Management Schemes.
- (2) The relevant Chief Executive is responsible for—
  - (a) implementing a Performance Management Scheme in the agency that is consistent with any principles and guidelines issued by the Commissioner; and
  - (b) ensuring that the Performance Management Scheme is regularly reviewed and evaluated.

### 559 Performance Management Plans

- (1) The relevant Chief Executive is responsible for ensuring that—
  - (a) each staff member within the agency has a Performance Management Plan in place that is linked to the achievement of

agency objectives, and is regularly reviewed and evaluated;  
and

- (b) strategies are implemented, within available resources, to address the training, information and development needs as outlined in individual Performance Management Plans.
- (2) Individual staff members, in conjunction with managers, are responsible for—
- (a) identifying current and future skills gaps; and
  - (b) identifying personal learning and development needs; and
  - (c) initiating and participating in appropriate training, information and development activities as agreed in their Performance Management Plan.

## **560 Studies assistance**

- (1) Studies assistance is one of a range of training and development options available to meet the key training priorities of agencies, and those identified in individual Performance Management Plans.
- (2) This part gives Chief Executives discretion over studies assistance arrangements and decisions within the agency, including the amount of any financial assistance, consistent with the following framework.
- (3) The relevant Chief Executive shall establish and make available to staff, guidelines for studies assistance within the agency which incorporate the following areas:
  - (a) eligibility and approval process; and
  - (b) critical and relevant courses or study areas; and
  - (c) types and levels of assistance, including—
    - (i) approval as a student; and

- (ii) paid study leave; and
  - (iii) financial assistance, if any;
- (d) review and appeal procedures; and
- (e) any provisions relating to consideration of special circumstances, such as—
  - (i) hardship; or
  - (ii) staff moving between agencies; or
  - (iii) those applying to particular employment, EEO or other groups.
- (4) The relevant Chief Executive is responsible for ensuring that agency guidelines pay due consideration to—
  - (a) the Chief Executive, or their delegate, having discretion over the approval of studies assistance, including the type and level of assistance; and
  - (b) the maintenance of appropriate records relating to decision making processes, including written notification to studies assistance applicants; and
  - (c) access by studies assistance applicants to appropriate informal review processes, and where an applicant is still dissatisfied to available formal appeal and review procedures.
- (5) The relevant Chief Executive shall ensure that decisions and procedures relating to applications for studies assistance reflect—
  - (a) due consideration to the strategic needs of the agency, and the individual's needs for current and future skills development; and
  - (b) consideration of broader service-wide skills needs; and



- (c) consistency and equity in the application of agency guidelines;  
and
- (d) accountability in relation to processes and outcomes.

**561 Reporting**

A Chief Executive must report annually on training and development activities as set out in the *Chief Minister's Annual Reports Directions*.

## Chapter 8                      Miscellaneous

### Part 8.2                      Payments for work performed for the board of senior secondary studies

#### 575                      Application—pt 8.2

This part takes effect from 1 January 2000 and applies to officers or employees who perform work for the ACT Board of Senior Secondary Studies pursuant to the *Board of Senior Secondary Studies Act 1997*, section 5.

#### 576                      Interpretation—pt 8.2

In this part:

***course accreditation panel*** means persons appointed as members or chair of an advisory panel, under the *Board of Senior Secondary Studies Act 1997*, section 6 (a), for the purposes of reviewing and accrediting courses.

***moderation*** means those processes designed to ensure comparability of grades and scores reported on the ACT Year 12 Certificate.

***moderation group leader*** means a person appointed under the *Board of Senior Secondary Studies Act 1997*, section 6 (a) to oversee, direct and manage moderation day proceedings at a venue at which moderation day meetings are held.

***small group moderator*** means a person appointed under the *Board of Senior Secondary Studies Act 1997*, section 6 (a) to oversee, monitor and report on teaching, curriculum and assessment practices in relation to subject moderation groups of 10 or fewer tertiary-eligible students.

*Note* From time to time the Board of Senior Secondary Studies may issue guidelines for the appointment of these positions.

***subject group leader*** means a person appointed under the *Board of Senior Secondary Studies Act 1997*, section 6 (a) to oversee, direct and manage moderation for a specific subject group during scheduled moderation days.

## **577 Eligibility**

- (1) A Chief Executive may approve the payment of additional remuneration to an officer or employee who is appointed, under the *Board of Senior Secondary Studies Act 1997*, section 6 (a), to perform work for the Board of Senior Secondary Studies.
- (2) The officer or employee is eligible to receive, in addition to normal salary, a payment as set out in this part on completion of the specific work.

## **578 Payments**

- (1) Payments count as salary for taxation purposes only.
- (2) The rates of payment are as set out in this part.
- (3) These rates will be subject to annual review with effect from 1 January 2002, and will be adjusted by the annual percentage increase in the Consumer Price Index (CPI) (All Groups—ACT) for the previous calendar year.
- (4) Where there is no increase in the CPI the rate of payment will remain the same for that year.

**Table 578.1 Payments to Course Accreditation Panels**

<b>column 1</b> <b>Number of</b> <b>Courses</b> <b>Accredited</b>	<b>column 2</b> <b>Payment to Panel</b> <b>Members</b>	<b>column 3</b> <b>Payment to Chairs of</b> <b>Course Accreditation Panels</b>
1 – 4	\$225	\$350
5 – 9	\$275	\$400
10 or more	\$325	\$450

**Payments to Moderation Group Leaders and Subject Group Leaders**

- (5) A single payment of \$100 is payable to Moderation Group Leaders and Subject Group Leaders for each moderation day, or part thereof.

**Payments to Small Group Moderators**

- (6) Payments to Small Group Moderators will be made according to table 578.2 for each school they moderate.

**Table 578.2 Payments to Small Group Moderators**

<b>column 1</b> <b>Number of</b> <b>Students</b> <b>Moderated</b>	<b>column 2</b> <b>Payment to</b> <b>Moderator</b>
1 – 4	\$120
5 – 9	\$230

## Part 8.3 Joint Council

### 579 Interpretation—pt 8.3

In this part:

*Joint Council* means the ACT Public Service consultative forum referred to in the *Public Sector Management Act* section 44.

*member* means people appointed to the Joint Council other than the Commissioner.

*organisation registered under the Workplace Relations Act 1996* has the same meaning as relevant staff organisation under the *Public Sector Management Act*.

### 580 Function of the Joint Council

Subject to this part, the functions and operating arrangements of the Joint Council will be set in Terms of Reference approved by the Minister for Industrial Relations.

### 581 Chair and Deputy Chair

- (1) The Chair of the Joint Council is the Commissioner.
- (2) The Deputy Chair is a member of the Joint Council nominated by UnionsACT.

### 582 Members

- (1) The Commissioner and UnionsACT may nominate members for appointment to Joint Council.
- (2) The Joint Council must be comprised of an equal number of UnionsACT and Commissioner nominated members.

- (3) A person nominated for appointment to the Joint Council by UnionsACT must be a member of an organisation registered under the *Workplace Relations Act 1996* (Cwlth) that has members employed by the ACT Public Service.
- (4) Nominations must be in writing and forwarded to the Commissioner as soon as practicable after the nominee is selected.

**583 Deputy members**

- (1) If a member is unable to attend a meeting of the Joint Council a deputy may be nominated to attend the meeting in place of the member.
- (2) A deputy attending a Joint Council meeting may act in place of the relevant member.

**584 Termination of appointment**

- (1) The Commissioner on advice of the Joint Council may terminate the appointment of a member for misbehaviour or physical or mental incapacity.
- (2) The Commissioner, on advice of the Joint Council and in consultation with the Deputy Chair, may terminate the appointment of members to reduce the total membership of the Joint Council.
- (3) If a member nominated by the Commissioner ceases to be employed by the ACT Public Service the appointment shall lapse.
- (4) If a member nominated by the Commissioner remains employed by the ACT Public Service but is no longer employed in the position that he or she held at the time of appointment the appointment shall lapse unless the Commissioner, in consultation with the Deputy Chair, allows a membership to continue.
- (5) If a member nominated by UnionsACT ceases to be a member of UnionsACT the appointment shall lapse.

- (6) If a member nominated by UnionsACT remains a member of UnionsACT but is no longer affiliated in a capacity that would be representative of the relevant staff organisation the appointment shall lapse unless the Commissioner, in consultation with the Deputy Chair, allows a membership to continue.

## Part 8.4 Occupational Health and Safety Management System

### 587 Interpretation—pt 8.4

In this part:

*Occupational Health and Safety Management System* means a systematic management approach that can assist in managing health and safety risks associated with the business of the agency, meeting legal requirements and achieving sustained improvement in occupational health and safety performance.

### 588 Implementation

- (1) The relevant Chief Executive must implement an Occupational Health and Safety Management System.
- (2) When implementing Occupational Health and Safety Management Systems, Chief Executives must have regard to whole-of-government Injury Prevention and Management policies and the ACT Public Service Workplace Health Strategic Plan.



## Part 8.5 Statutory office holders

### Division 8.5.1 Notice and special benefits for statutory office holders

#### 589 Interpretation – div 8.5.1

- (1) In this division:

*continuous recognised service* is calculated in the same way as an officer's period of service is calculated for long service leave under the Act, section 154 and the Public Sector Management Standards, section 416.

*chief executive* means the chief executive in control of the administrative unit allocated responsibility under administrative arrangements for the enactment under which the statutory officer holder is appointed.

*relevant Remuneration Tribunal Determination* means:

- (a) Determination Number 196 – 'Full-time Holders of Public Office', effective 1 July 2006 or Determination Number 197 – 'Part Time Holder of Public Office – Commissioner for Surveys', effective 1 July 2006, as varied; or
- (b) any determination by the Remuneration Tribunal, which supersedes Determination Number 196, and applies to full-time holders of public offices.

*remuneration* means the cash salary remuneration payable to full time statutory office holders as set out in Column 2 of Table 1.1 of Remuneration Tribunal Determination 3 of 2008 'Full-Time Holders of Public Office', effective 1 July 2008, as varied or any determination of the Remuneration Tribunal, which supersedes

Determination 3 of 2008, and applies to full time statutory office holders.

*Note* Column 2 of table 1.1 of Remuneration Tribunal Determination 3 of 2008 'Full-Time holders of Public Office', effective 1 July 2008, sets out the cash salary component of full time statutory office holder remuneration.

### **590 Application - div 8.5.1**

- (1) This Part applies to statutory office holders covered by the relevant Remuneration Tribunal Determination.
- (2) The requirement for notice or special benefits set out in section 591 and 592 apply where the appointment of a statutory office holder is to end before the appointment is due to end but does not apply where the appointment ends:
  - (a) by expiry of the term of appointment; or
  - (b) by the resignation of the statutory officer holder; or
  - (c) under the Act by which the statutory officer holder is appointed and the ending of the appointment relates to removal from office, termination of appointment or retirement provisions under that Act.

### **591 Notice**

- (1) Where the appointment of a statutory office holder ends, before it was due to end, the chief executive must give the statutory office holder notice that the appointment will end.
- (2) The notice must be in writing and given at least eight weeks before the appointment is to end.
- (3) At the election of the chief executive, or the statutory office holder, a payment equal to the remuneration for the eight weeks notice period may be made in lieu of notice.

- (4) A payment made in lieu of notice under this section is in addition to a payment made under the Standards, section 592.

**592 Special benefits**

Where the appointment of a statutory office holder ends before the appointment is due to end; the statutory office holder will be entitled to a special benefit:

- (a) of two weeks of remuneration for every completed year of continuous recognised service;
- (b) excluding any period of service for which the statutory office holder has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction; and
- (c) up to a maximum of 44 weeks of remuneration.

**Division 8.5.2 Superannuation for statutory officer holders on and from 1 July 2006**

**593 Application – div 8.5.2**

- (1) This division applies to:
- (a) any person appointed as a statutory office holder, on and from 1 July 2006; but
  - (b) does not apply to any person:
    - (i) who is an existing Commonwealth Superannuation Scheme (CSS) or Public Sector Superannuation Scheme (PSS) member; or
    - (ii) who was engaged or appointed under the Act before 30 June 2006, where the subsequent appointment as a statutory office holder would be continuous with employment commenced before 30 June 2006; or

- (iii) who was engaged or appointed to the Territory under Territory legislation before 30 June 2006, where the subsequent appointment as a statutory office holder would be continuous with employment commenced before 30 June 2006.

#### **594 Interpretation – div 8.5.2**

- (1) In this division:

*remuneration component* means the remuneration payable to a statutory office holder that is set out in:

- (a) clause 1 of the Remuneration Tribunal Determination No 196 ‘Full-time Holders of Public Office’ effective 1 July 2006; or
- (b) a clause of any subsequent Remuneration Tribunal determination that supersedes Determination No 196 and applies to full-time holders of public office.

#### **595 Superannuation contributions**

- (1) The value of the employer’s superannuation contribution is to be contributed on behalf of the statutory office holder to an agreed superannuation fund nominated by the statutory office holder and is:
  - (a) 9% of the remuneration component; or
  - (b) 10% of the remuneration component, if the statutory office holder contributes 3% or more of his or her remuneration component to the agreed superannuation fund nominated by the statutory office holder in the form of personal superannuation contributions.
- (2) The employer must contribute any nominated amount on behalf of the statutory officer holder to an agreed superannuation fund nominated by the statutory office holder.

- (3) This amount is the personal superannuation contributions of the statutory office holder to the nominated superannuation fund.
- (4) The value of the employer's superannuation contribution must not be paid in cash to a statutory office holder.

## Part 8.6 PSSAP eligibility

### 596 Interpretation—pt 8.6

In this part:

**declaration** means the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2006* (Cwlth).

**person employed in the service** means a person—

- (a) engaged under the Act, division 5.7; or
- (b) appointed to be an officer under the Act, division 5.3.

**PSSAP** or the **Public Sector Superannuation Accumulation Plan** means the superannuation scheme established under the *Superannuation Act 2005* (Cwlth).

### 597 Previous employment

- (1) A person employed in the service is eligible to be a member of the PSSAP if the employee—
  - (a) was employed under a temporary contract (the **previous contract**) which expired on the last business day before the commencement of the person's current period of employment; and
  - (b) was a member of the PSSAP on the day the previous contract expired.
- (2) This section applies on the day the declaration commences.

**598 Regular employment**

- (1) A person employed in the service is eligible to be a member of the PSSAP if the person—
  - (a) was a member of the PSSAP on the day before the declaration commences; and
  - (b) was employed on a regular and systematic basis for a sequence of periods before the declaration commences;for as long as that person continues to be employed in the service on a regular or systematic basis or, if appointed as an officer under the Act, division 5.3, for as long as that appointment continues.
- (2) For this section:

*regular and systematic basis* means the person—

  - (a) is employed in accordance with a regular work schedule or regular pattern of work; and
  - (b) has a reasonable expectation of continuing employment in the service.
- (3) Section 598 (1) does not apply, or ceases to apply, if the person was employed by another employer between periods of employment in the service and that employment was not approved by the relevant chief executive.

**599 Other circumstances**

The commissioner may, having regard to the circumstances of a person's employment, deem that person to be a person to whom this part applies provided that person was a member of the PSSAP on the day before the declaration commences.

## Dictionary

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Standard.

*Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- adult
- appoint
- Australia
- body
- breach
- by regulation
- calendar year
- change
- Chief Minister
- child
- commencement (see s 80)
- Commonwealth country
- corporation
- credit union
- definition (see s 130)
- dentist
- designation
- doctor
- document
- domestic partner (see s 169 (1))
- domestic partnership (see s 169 (2))
- establish
- estate
- exercise
- expire
- fail
- for



- function
- gazette
- High Court
- individual
- in relation to
- instrument (see s 14)
- law
- Legislative Assembly
- liability
- may (see s 146)
- medical practitioner
- midnight
- Minister (see s 162)
- modification
- month
- must (see s 146)
- name
- night
- Northern Territory
- notification
- notification day
- number
- nurse
- oath
- occupy
- office
- parent
- person
- position
- power
- proceeding
- property
- provision (see s 16)

- public service
- public trustee
- quarter
- regulation
- remuneration tribunal
- rules
- Self-Government Act
- Standards Australia
- State
- statutory declaration
- territory law
- the Territory
- transitional
- under
- working day
- writing
- year.

*Note 3* Terms used in this Standard have the same meaning that they have in the *Public Sector Management Act 1994* (see Legislation Act, s 148.) For example, the following terms are defined in the *Public Sector Management Act 1994*, dict:

- chief executive officer
- classification
- clerk (see s 45)
- Commonwealth officer
- criminal offence
- director
- employee
- executive
- executive office
- industrial award
- management standards
- office of chief executive

- officer
- overseas
- part-time office
- prescribed
- promotion
- public employee
- service
- statutory office-holder
- territory instrumentality
- unattached officer.

**ABS** means the Australian Bureau of Statistics.

**ACTPS** means the Australian Capital Territory Public Service established under the Act, section 12.

**ACTGS** has the same meaning as **ACTPS**.

**Agency** has the same meaning as the Act, definition of **government agency**.

**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 the Act, definition of **industrial award**.

**Calvary Hospital** means Calvary Hospital A.C.T. Incorporated.

**Certified Agreement** means:

- (a) a workplace agreement that covers officers and employees and is made in accordance with the *Workplace Relations Act 1996* (Commonwealth) part 8, division 2; or
- (b) an Agreement that covers officers and employees and was certified under the *Workplace Relations Act 1996* (Commonwealth) part VIB, division 4 (repealed).

**Chief Executive** has the same meaning as the Act, definition of *relevant Chief Executive*.

**COMCARE** has the same meaning as in the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

**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** (or **CSS**) means the superannuation scheme administered under the *Superannuation Act 1976* (Cwlth).

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

**CPA**—see definition of *the Commissioner*.

**CSS**—see definition of *Commonwealth Superannuation Scheme*.

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

**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.

**GRTW** means a graduated return to work program.

**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* (Cwlth).

***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.

***Prior service*** is employment treated as if had been employment by the Territory, or included in length of service, for the purposes of ACTPS entitlements.

***PSS***—see definition of ***Public Sector Superannuation Scheme***.

***public purpose*** includes government purposes and purposes relating to the public interest or public benefit.

***Public Sector Management*** means any group or unit responsible for the administration of the *Public Sector Management Act 1994* and the Public Sector Management Standards.

***Public Sector Superannuation Scheme*** (or ***PSS***) means the superannuation scheme administered under the *Superannuation Act 1990* (Cwlth).

***returned soldier***—see the Act, section 251 (5).

***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 (Consequential Provisions) Act*** means the *ACT Self-Government (Consequential Provisions) Act 1988* (Cwlth).

***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*** means the *Superannuation Act 1976* (Cwlth) or the *Superannuation Act 1990* (Cwlth), or both, as the case requires.

***the Commissioner*** means the Commissioner for Public Administration

***union*** has the same meaning as the Act, definition of ***relevant staff organisation***.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

**Public Sector Management Standards 2006 DI2006-187**

notified LR 2 August 2006

s 1, s 2 commenced 2 August 2006 (LA s 75 (1))

remainder commenced 3 August 2006 (s 2)

as amended by

**Public Sector Management Amendment Standards 2006 (No 1)  
DI2006-218**

notified LR 11 October 2006

s 1, s 2 commenced 11 October 2006 (LA s 75 (1))

remainder commenced 12 October 2006 (s 2)

**Public Sector Management Amendment Standards 2007 (No 1)  
DI2007-64**

notified LR 8 March 2007

s 1, s 2 commenced 8 March 2007 (LA s 75 (1))

remainder commenced 9 March 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 2)  
DI2007-91**

notified LR 19 April 2007

s 1, s 2 commenced 19 April 2007 (LA s 75 (1))

remainder commenced 20 April 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 3)  
DI2007-92**

notified LR 19 April 2007

s 1, s 2 commenced 19 April 2007 (LA s 75 (1))

remainder commenced 20 April 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 4)  
DI2007-125**

notified LR 21 June 2007

s 1, s 2 commenced 21 June 2007 (LA s 75 (1))

remainder commenced 22 June 2007 (s 2)



**Public Sector Management Amendment Standards 2007 (No 5)**  
**DI2007-187**

notified LR 30 July 2007  
s 1, s 2 commenced 30 July 2007 (LA s 75 (1))  
remainder commenced 31 July 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 6)**  
**DI2007-196**

notified LR 9 August 2007  
s 1, s 2 commenced 9 August 2007 (LA s 75 (1))  
remainder commenced 10 August 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 7)**  
**DI2007-198**

notified LR 9 August 2007  
s 1, s 2 commenced 9 August 2007 (LA s 75 (1))  
remainder commenced 10 August 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 8)**  
**DI2007-246**

notified LR 25 October 2007  
s 1, s 2 commenced 25 October 2007 (LA s 75 (1))  
remainder commenced 1 December 2007 (s 2)

**Public Sector Management Amendment Standards 2008 (No 1)**  
**DI2008-56**

notified LR 17 April 2008  
s 1, s 2 commenced 17 April 2008 (LA s 75 (1))  
remainder commenced 19 April 2008 (s 2)

**Public Sector Management Amendment Standards 2008 (No 2)**  
**DI2008-171**

notified LR 3 July 2008  
s 1, s 2 commenced 3 July 2008 (LA s 75 (1))  
remainder commenced 10 August 2008 (s 2)

**Public Sector Management Amendment Standards 2008 (No 3)**  
**DI2008-215**

notified LR 21 August 2008  
s 1, s 2 commenced 21 August 2008 (LA s 75 (1))  
remainder commenced 22 August 2008 (s 2)

## Endnotes

**Public Sector Management Amendment Standards 2008 (No 4)**  
**DI2008-278**

notified LR 13 November 2008  
s 1, s 2 commenced 13 November 2008 (LA s 75 (1))  
remainder commenced 14 November 2008 (s 2)

**Public Sector Management Amendment Standards 2008 (No 5)**  
**DI2008-280**

notified LR 20 November 2008  
s 1, s 2 commenced 20 November 2008 (LA s 75 (1))  
remainder commenced 21 November 2008 (s 2)

**Public Sector Management Amendment Standards 2008 (No 6)**  
**DI2008-289**

notified LR 15 December 2008  
s 1, s 2 commenced 15 December 2008 (LA s 75 (1))  
remainder commenced 16 December 2008 (s 2)

**Public Sector Management Amendment Standards 2009 DI2009-46**

notified LR 9 April 2009  
s 1, s 2 commenced 9 April 2009 (LA s 75 (1))  
remainder commenced 10 April 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 2)**  
**DI2009-54**

notified LR 14 April 2009  
s 1, s 2 commenced 14 April 2009 (LA s 75 (1))  
remainder commenced 19 April 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 3)**  
**DI2009-88**

notified LR 4 June 2009  
s 1, s 2 commenced 4 June 2009 (LA s 75 (1))  
remainder commenced 5 June 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 5)**  
**DI2009-89**

notified LR 9 June 2009  
s 1, s 2 commenced 9 June 2009 (LA s 75 (1))  
remainder commenced 10 June 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 4)****DI2009-90**

notified LR 9 June 2009  
s 1, s 2 commenced 9 June 2009 (LA s 75 (1))  
remainder commenced 10 June 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 6)****DI2009-134**

notified LR 29 June 2009  
s 1, s 2 commenced 29 June 2009 (LA s 75 (1))  
remainder commenced 30 June 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 7)****DI2009-185**

notified LR 7 August 2009  
s 1, s 2 commenced 7 August 2009 (LA s 75 (1))  
remainder commenced 10 August 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 8)****DI2009-222**

notified LR 29 October 2009  
s 1, s 2 commenced 29 October 2009 (LA s 75 (1))  
remainder commenced 30 October 2009 (s 2)

**Public Sector Management Amendment Standards 2010 (No 1)****DI2010-67**

notified LR 10 May 2010  
s 1, s 2 commenced 10 May 2010 (LA s 75 (1))  
remainder commenced 11 May 2010 (LA s 73 (3))

**Public Sector Management Amendment Standards 2010 (No 2)****DI2010-137**

notified LR 1 July 2010  
s 1, s 2 commenced 1 July 2010 (LA s 75 (1))  
remainder commenced 2 July 2010 (s 2)

**Public Sector Management Amendment Standards 2010 (No 3)****DI2010-164**

notified LR 15 July 2010  
s 1, s 2 commenced 15 July 2010 (LA s 75 (1))  
remainder commenced 16 July 2010 (s 2)

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Commencement

s 2 om LA s 89 (4)

#### Interpretation—pt 3.1

s 29 def **remuneration** sub DI2009-134 s 4  
def **transitional executive** sub DI2009-134 s 5

#### Chief Executive Employment Benefit

s 29A ins DI2007-187 s 4  
am DI2009-134 s 6; ss renum R19 LA

#### Payment of special benefits in certain circumstances

s 34 om DI2009-134 s 7

#### Special benefits on early termination of contract

s 35 sub DI2009-134 s 8

#### Special benefits applying to transitional executives on early termination or non-renewal of contract in certain circumstances

s 36 sub DI2009-134 s 9

#### Payment in lieu for notice period

s 37 sub DI2009-134 s 10

#### Determining work value

s 38 am DI2008-280 s 4

#### Circumstances where work value assessment not required

s 40 sub DI2009-222 s 4

#### Superannuation

s 42 sub DI2007-198 s 4; DI2009-134 s 11

#### Chief Executive of the Department of the Environment, Climate Change, Energy and Water

s 43A ins DI2008-280 s 5  
om DI2009-90 s 4

#### Temporary employment

pt 3.9 hdg sub DI2008-215 s 4

#### Application—pt 3.9

s 78 sub DI2008-215 s 4

#### Interpretation—pt 3.9

s 78A ins DI2008-215 s 4  
def **temporary employee register** ins DI2008-215 s 4

#### Temporary Employee Registers

s 79 sub DI2008-215 s 4

**Advertising temporary employment**

s 80 sub DI2008-215 s 4

**Selection of employees**s 81 am DI2007-91 s 4; pars renum R4 LA  
sub DI2008-215 s 4**Graduate Administrative Assistant**

sdiv 3.10.3.9 hdg om DI2010-164 s 4

**Interpretation—sdiv 3.10.3.9**

s 191 om DI2010-164 s 4

**Eligibility Requirements**

s 192 om DI2010-164 s 4

**Selection Arrangements**

s 193 om DI2010-164 s 4

**Salaries**

s 194 om DI2010-164 s 4

**Salary Points**

s 195 om DI2010-164 s 4

**Graduate Administrative Assistant (Indigenous Employment)**

sdiv 3.10.3.10 om DI2010-164 s 5

**Interpretation—sdiv 3.10.3.10**

s 196 om DI2010-164 s 5

**Eligibility Requirements**

s 197 om DI2010-164 s 5

**Selection Arrangements**

s 198 om DI2010-164 s 5

**Salaries**

s 199 om DI2010-164 s 5

**Salary Points**

s 200 om DI2010-164 s 5

**Interpretation—div 3.10.4**s 243 def **day** om DI2007-91 s 5**Remuneration**

s 245 sub DI2007-91 s 6

**Operation with the Public Sector Management Act 1994**

s 247 sub DI2009-46 s 4

**Indigenous Traineeship Program**

div 3.11.1 hdg sub DI2009-46 s 4

## Endnotes

### 4 Amendment history

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#### **Interpretation—div 3.11.1**

s 247A ins DI2009-46 s 4  
def **ASO** ins DI2009-46 s 4  
def **relevant collective agreement** ins DI2009-46 s 4

#### **Eligibility**

s 247B ins DI2009-46 s 4

#### **Selection**

s 247C ins DI2009-46 s 4

#### **Classification on appointment**

s 247D ins DI2009-46 s 4

#### **Salary on appointment**

s 247E ins DI2009-46 s 4

#### **Advancement**

s 247F ins DI2009-46 s 4

#### **Graduate Program**

pt 3.12 hdg ins DI2010-164 s 6

#### **Interpretation—pt 3.12**

s 252A ins DI2010-164 s 6

#### **Eligibility**

s 252B ins DI2010-164 s 6

#### **Selection**

s 252C ins DI2010-164 s 6

#### **Classification on appointment**

s 252D ins DI2010-164 s 6

#### **Salary on appointment**

s 252E ins DI2010-164 s 6

#### **Probation**

s 252F ins DI2010-164 s 6

#### **Promotion**

s 252G ins DI2010-164 s 6

#### **Motor vehicle allowances rates schedules**

s 309 sub DI2007-92 s 4; DI2009-54 s 4

#### **Eligibility for overtime duty meal allowance**

s 347 am DI2007-92 s 5; DI2008-56 s 4; DI2009-54 s 5; DI2010-67 s 4

**Interpretation—pt 4.16**

- s 371 def **day** ins DI2007-246 s 4  
 def **notional period** ins DI2007-246 s 5  
 def **relevant period** ins DI2007-246 s 6  
 def **week** ins DI2007-246 s 7

**Service as a temporary employee for recreation leave purposes**

- s 373 am DI2007-246 s 8

**Grant of recreation leave – general**

- s 374 sub DI2007-246 s 9

**Direction to take recreation leave**

- s 376 am DI2007-246 s 10

**Accrual of recreation leave credit**

- s 378 sub DI2007-246 s 11

**Additional recreation leave for career medical officers, resident medical officers and registrars**

- s 379 am DI2007-246 s 12, s 13

**Accrual for periods including differing hours of duty**

- s 380 om DI2007-246 s 14

**Deferral of accrual of recreation leave for certain purposes**

- s 381 sub DI2007-246 s 15

**Recreation leave considered to have been taken**

- s 383 am DI2007-246 ss 16-18

**Recreation leave credit for officers with multiple leave balances**

- s 385 sub DI2007-246 s 19

**Advertising vacancies**

- s 454 am DI2010-164 s 7

**Appointment of certain Rhodium employees**

- pt 5.6A hdg ins DI2007-125 s 4  
 om DI2009-90 s 5

**Application—pt 5.6A**

- s 478A ins DI2007-125 s 4  
 om DI2009-90 s 5

## Endnotes

4 Amendment history

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### **Interpretation—pt 5.6A**

s 478B           ins DI2007-125 s 4  
                  om DI2009-90 s 5  
                  def **Act** ins DI2007-125 s 4  
                  om DI2009-90 s 5  
                  def **Chief Executive** ins DI2007-125 s 4  
                  om DI2009-90 s 5  
                  def **Rhodium** ins DI2007-125 s 4  
                  om DI2009-90 s 5  
                  def **right of return staff** ins DI2007-125 s 4  
                  om DI2009-90 s 5  
                  def **Treasury** ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Application of the *Public Sector Management Act 1994***

s 478C           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Application of other provisions of the Public Sector Management Standards 2006**

s 478D           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Appointment by the Commissioner**

s 478E           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Increment increases**

s 478F           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Transfer of entitlements**

s 478G           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Voluntary redundancy**

s 478H           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Transfer of personnel files**

s 478I           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **Subsequent transfer**

s 478J           ins DI2007-125 s 4  
                  om DI2009-90 s 5

### **General power of the Commissioner**

s 478K           ins DI2007-125 s 4  
                  om DI2009-90 s 5



**Recognised redundancy pay for former ACTPS employees retrenched by the APS**

s 495 om DI2009-89 s 4

**Driver responsibilities**

s 541 am DI2009-90 s 6

**Home garaging**

s 542 am DI2009-90 s 5

**Recording and reporting**

s 544 am DI2009-90 s 6

**Range of available vehicles**

s 545 am DI2009-90 s 6

**Vehicle maintenance**

s 549 am DI2009-90 s 6, s 7

**Purchase of fuel**

s 550 am DI2009-90 s 7

**Executive vehicles**

pt 7.3 hdg sub DI2007-64 s 4

**Interpretation—pt 7.3**

s 551 sub DI2007-64 s 4  
 def **business use** ins DI2007-64 s 4  
 def **executive** ins DI2007-64 s 4  
 def **executive vehicle** ins DI2007-64 s 4  
 def **monthly lease rate** ins DI2007-64 s 4  
 def **people mover** ins DI2007-64 s 4  
 def **private use** ins DI2007-64 s 4  
 def **statutory office** ins DI2007-64 s 4  
 def **sedan** ins DI2007-64 s 4  
 def **wagon** ins DI2007-64 s 4

**Application—pt 7.3**

s 551A sub DI2007-64 s 4

**Executive vehicle entitlement**

s 551B sub DI2007-64 s 4  
 am DI2009-90 s 8

**Executive vehicle entitlement—part-time executives**

s 551C sub DI2007-64 s 4

**Choice of motor vehicle**

s 552 sub DI2007-64 s 4  
 am DI2007-196 s 4; DI2008-171 s 4; DI2009-90 s 8;  
 DI2009-185 s 4

## Endnotes

4 Amendment history

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### **Payment in lieu of an executive vehicle entitlement**

s 553 sub DI2007-64 s 4  
am DI2008-278 s 4; ss renum R12 LA; DI2009-185 s 5

### **Executive vehicle modification**

s 554 sub DI2007-64 s 4  
am DI2009-90 s 8

### **Executive vehicle maintenance and running costs**

s 554A sub DI2007-64 s 4

### **Executive vehicle care**

s 554B sub DI2007-64 s 4

### **Authorised use of an executive vehicle**

s 555 sub DI2007-64 s 4  
am DI2009-90 s 8

### **Business use of an executive vehicle**

s 555A sub DI2007-64 s 4  
am DI2009-90 s 8

### **Private use of an executive vehicle**

s 555B sub DI2007-64 s 4

### **Record-keeping**

s 556 sub DI2007-64 s 4

### **ACTEW officers**

pt 8.1 hdg om DI2010-137 s 4

### **Application—pt 8.1**

s 562 om DI2010-137 s 4

### **Interpretation—pt 8.1**

s 563 om DI2010-137 s 4

### **Conditions of service**

s 564 om DI2010-137 s 4

### **Home garaging and private use of vehicles arrangement**

s 565 om DI2010-137 s 4

### **Contribution by officers**

s 566 om DI2010-137 s 4

### **Home garaging of vehicles—obligations**

s 567 om DI2010-137 s 4

### **Home garaging with no private use**

s 568 om DI2010-137 s 4

### **On-call and restricted duty provisions**

s 569 om DI2010-137 s 4

**GSO 10 incremental pay structure**

s 570 om DI2010-137 s 4

**Progression to senior plumbing inspector**

s 571 om DI2010-137 s 4

**Electricians licence allowance**

s 572 om DI2010-137 s 4

**Reimbursement of home telephone expenses**

s 573 om DI2010-137 s 4

**Conditions of service of some former ACTEW officers**

s 574 om DI2010-137 s 4

**Payments**

s 578 am DI2009-88 s 4

**Joint Council**

pt 8.3 hdg sub DI2008-289 s 4

**Interpretation—pt 8.3**

s 579 sub DI2008-289 s 4  
 def **consultation** om DI2008-289 s 4  
 def **Joint Council** sub DI2008-289 s 4  
 def **Management Council** om DI2008-289 s 4  
 def **member** ins DI2008-289 s 4  
 def **members** om DI2008-289 s 4  
 def **officer** om DI2008-289 s 4  
 def **organisation registered under the Workplace Relations Act 1996** sub DI2008-289 s 4

**Function of the Joint Council**

s 580 sub DI2008-289 s 4

**Chair and Deputy Chair**

s 581 sub DI2008-289 s 4

**Members**

s 582 sub DI2008-289 s 4

**Deputy members**

s 583 sub DI2008-289 s 4

**Termination of appointment**

s 584 sub DI2008-289 s 4

**Committees**

s 585 om DI2008-289 s 4

**Consultation**

s 586 om DI2008-289 s 4

## Endnotes

### 5 Earlier republications

#### Interpretation – div 8.5.1

s 589 def **continuous recognised service** am DI2009-134 s 12  
def **remuneration** ins DI2009-134 s 13

#### Notice

s 591 am DI2009-134 s 14

#### Special benefits

s 592 sub DI2009-134 s 15

#### Application – div 8.5.2

s 593 sub DI2007-198 s 5

#### PSSAP eligibility

pt 8.6 hdg ins DI2006-218 s 4

#### Interpretation—pt 8.6

s 596 ins DI2006-218 s 4  
def **declaration** ins DI2006-218 s 4  
def **person employed in the service** ins DI2006-218 s 4  
def **PSSAP** or the **Public Sector Superannuation Accumulation Plan** ins DI2006-218 s 4

#### Previous employment

s 597 ins DI2006-218 s 4

#### Regular employment

s 598 ins DI2006-218 s 4

#### Other circumstances

s 599 ins DI2006-218 s 4

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 3 Aug 2006	3 Aug 2006– 11 Oct 2006	not amended	new instrument

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R2 12 Oct 2006	12 Oct 2006– 8 Mar 2007	DI2006-218	amendments made by DI2006-218
R3 9 Mar 2007	9 Mar 2007– 19 Apr 2007	DI2007-64	amendments made by DI2007-64
R4 20 Apr 2007	20 Apr 2007– 21 June 2007	DI2007-92	amendments made by DI2007-91 and DI2007-92
R5 22 June 2007	22 June 2007– 30 July 2007	DI2007-125	amendments made by DI2007-125
R6 31 July 2007	31 July 2007– 9 Aug 2007	DI2007-187	amendments made by DI2007-187
R7 10 Aug 2007	10 Aug 2007– 30 Nov 2007	DI2007-198	amendments made by DI2007-196 and DI2007-198
R8 1 Dec 2007	1 Dec 2007– 18 Apr 2008	DI2007-246	amendments made by DI2007-246
R9 19 Apr 2008	19 Apr 2008– 9 Aug 2008	DI2008-56	amendments made by DI2008-56
R10 10 Aug 2008	10 Aug 2008– 21 Aug 2008	DI2008-171	amendments made by DI2008-171
R11 22 Aug 2008	22 Aug 2008– 13 Nov 2008	DI2008-215	amendments made by DI2008-215
R12 14 Nov 2008	14 Nov 2008– 20 Nov 2008	DI2008-278	amendments made by DI2008-278
R13 21 Nov 2008	21 Nov 2008– 15 Dec 2008	DI2008-280	amendments made by DI2008-280
R14 16 Dec 2008	16 Dec 2008– 9 Apr 2009	DI2009-289	amendments made by DI2009-289
R15 10 Apr 2009	10 Apr 2009– 18 Apr 2009	DI2009-46	amendments made by DI2009-46
R16 19 Apr 2009	19 Apr 2009– 4 June 2009	DI2009-54	amendments made by DI2009-54

## Endnotes

5 Earlier republications

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R17 5 June 2009	5 June 2009– 9 June 2009	DI2009-88	amendments made by DI2009-88
R18 10 June 2009	10 June 2009– 29 June 2009	DI2009-90	amendments made by DI2009-89 and DI2009-90
R19 30 June 2009	30 June 2009– 9 Aug 2009	DI2009-134	amendments made by DI2009-134
R20 10 Aug 2009	10 Aug 2009– 29 Oct 2009	DI2009-185	amendments made by DI2009-185
R21 30 Oct 2009	30 Oct 2009– 10 May 2010	DI2009-222	amendments made by DI2009-222
R22 11 May 2010	11 May 2010– 1 July 2010	DI2010-67	amendments made by DI2010-64
R23 2 July 2010	2 July 2010– 15 July 2010	DI2010-137	amendments made by DI2010-137

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