Australian Capital Territory

Public Sector Management Amendment Standards 2019 (No 1)

Disallowable instrument DI2019-220

made under the

[Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), s 251 (Management standards)

I amend the Standards as set out below.

Kathy Leigh
Head of Service

Date

25 September 2019

Approved under the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), s 251 (Management standards)

Andrew Barr
Chief Minister

Date

25 September 2019

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made under the

[Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), s 251 (Management standards)

1 Name of instrument

This instrument is the *Public Sector Management Amendment Standards 2019 (No 1)*.

2 Commencement

This instrument commences on the commencement of the Public Sector Management Amendment Act 2019, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This instrument amends the [Public Sector Management Standards 2016](http://www.legislation.act.gov.au/di/2016-251/default.asp).

4 New section 113A

insert

113A Pro rata payment instead of long service leave—certain termination circumstances

 (1) This section applies if—

 (a) an officer’s employment is ended other than for—

 (i) serious misconduct; or

 (ii) a circumstance mentioned in the repealed standards, section 307 (3) (a) (Payment in lieu of long service leave—cessation of employment); and

 (b) on the day the employment ends, the officer’s eligible employment for working out the officer’s long service leave entitlement is at least 5 years but less than 7 years.

Note This section applies in addition to repealed provisions dealing with long service leave entitlements that have been preserved under s 113.

 (2) The officer must be paid an amount equal to the amount of remuneration the officer would have been paid if the officer—

 (a) were eligible to take long service leave on the day the officer’s employment ended; and

 (b) had taken all the long service leave accrued to the officer on that day.

 (3) In this section:

officer includes an employee.

serious misconduct—see the [Fair Work Regulations 2009](https://www.legislation.gov.au/Series/F2009L02356) (Cwlth), regulation 1.07.