

Australian Capital Territory

# Public Sector Management Amendment Standards 2024 (No 1)

**Disallowable instrument DI2024–19**

made under the

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

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I amend the Standards as set out below.

Kathy Leigh  
Head of Service

Date 5/2/24

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

Andrew Barr  
Chief Minister

Date 5.2.2024

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# Public Sector Management Amendment Standards 2024 (No 1)

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

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**1 Name of instrument**

This instrument is the *Public Sector Management Amendment Standards 2024 (No 1)*.

**2 Commencement**

This instrument commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This instrument amends the *Public Sector Management Standards 2016*.

**4 Section 47 (2), note 2**

*after*

serious misconduct

*insert*

, serious corrupt conduct or systemic corrupt conduct

**5 Section 70 (2) (a)**

*after*

serious misconduct

*insert*

, serious corrupt conduct or systemic corrupt conduct

**6 New section 72 (1A)**

*before subsection (1), insert*

(1A) This section applies if an SES member's engager ends the SES member's engagement under the Act, section 38 (d), (e) or (f), other than if the engagement is ended—

- (a) for under-performance; or
- (b) for serious misconduct, serious corrupt conduct or systemic corrupt conduct.

*Note 1* For ending an SES member's engagement for underperformance, see s 45.

*Note 2* For ending an SES member's engagement for serious misconduct, see s 48 (2) (f) and s 70 (2).

**7 Section 72 (1)**

*omit*

If an SES member's engager ends an SES member's engagement under the Act, section 38 (e) or (f), the

*substitute*

The

**8 New part 7A**

*insert*

**Part 7A Statutory office-holder financial entitlements**

**106A Application—pt 7A**

This part applies to the following:

- (a) Aboriginal and Torres Strait Islander Children and Young People Commissioner;
- (b) Assistant Executive Officer, Legal Aid Commission (ACT);
- (c) Auditor-General;
- (d) Chief Executive Officer, Canberra Institute of Technology;
- (e) Chief Executive Officer, Legal Aid Commission (ACT) ;
- (f) Chair, Therapeutic Support Panel for Children and Young People;
- (g) Chief Executive Officer, City Renewal Authority;
- (h) Chief Executive Officer, Suburban Land Agency;
- (i) Children and Young People Commissioner;
- (j) Clerk of the Legislative Assembly, subject to the Act, section 52;
- (k) Commissioner for Sustainability and the Environment;
- (l) Director of Public Prosecutions;
- (m) Disability and Community Services Commissioner;
- (n) Discrimination Commissioner;
- (o) Electoral Commissioner; and
- (p) Health Services Commissioner;
- (q) Human Rights Commissioner;
- (r) Presidential Members of the ACT Civil and Administrative Tribunal;
- (s) Public Advocate;
- (t) Victims of Crime Commissioner;

- (u) Work Health and Safety Commissioner;
- (v) a statutory office-holder covered by Remuneration Tribunal Determination 3 of 2010 – Full-time Holders of Public Office, effective 1 July 2010, as varied and any determination of the Remuneration Tribunal which supersedes Determination 3 of 2010 and applies to full-time statutory office-holders.

*Note* Remuneration Tribunal determinations are available at [www.remunerationtribunal.act.gov.au](http://www.remunerationtribunal.act.gov.au).

#### **106B Interpretation—pt 7A**

- (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 repealed standards, section 64.

*remuneration* means the cash salary remuneration payable to full-time statutory office-holders as set out in table 1.1, column 2 of Remuneration Tribunal Determination 3 of 2010 'Full-time Holders of Public Office', effective 1 July 2010, as varied or any determination of the Remuneration Tribunal, which supersedes Determination 3 of 2010, and applies to full-time statutory office-holders.

*Note* Table 1.1, column 2 of Remuneration Tribunal Determination 3 of 2010 'Full-time Holders of Public Office', effective 1 July 2010, sets out the cash salary component of full-time statutory office-holder remuneration.

*special benefit* means an amount worked out under section 106D (2).

#### **106C Payment in lieu of notice period—statutory office-holders**

- (1) This section applies if the appointment of a statutory office-holder is to end before the appointment is due to end, but does not apply if the appointment ends—



- (a) by expiry of the term of appointment; or
  - (b) 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; or
  - (c) by the appointer and the ending of the appointment relates to serious misconduct, serious corrupt conduct or systemic corrupt conduct.
- (2) The appointer must give the statutory office-holder at least 8 weeks notice in writing that the appointment will end.
  - (3) At the election of the appointer or the statutory office-holder, a payment equal to the remuneration for the 8 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 special benefit.

**106D Special benefits on early termination of appointment—  
statutory office-holders**

- (1) This section applies to a statutory office-holder whose appointment ends before their appointment is due to end, other than in a circumstance mentioned in section 106C (1) (a) to (c).
- (2) The statutory office-holder must be paid an amount equivalent to the greater of—
  - (a) 2 weeks of remuneration for every completed year of continuous recognised service (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), but not more than 44 weeks of remuneration; and

- (b) an amount equivalent to 6 months of the statutory office-holder's remuneration.

**106E Appointment or engagement of former statutory office-holders**

- (1) This section applies to a person—
  - (a) whose appointment as a statutory office-holder ends before their appointment is due to end for any reason other than their resignation; and
  - (b) who must be paid a special benefit.
- (2) The person cannot be appointed as a statutory office-holder or an officer for a period equivalent to the period used to work out the special benefit for the person, beginning immediately after the end of their appointment, without the written consent of the head of service.
- (3) The person cannot be engaged as an employee for a period equivalent to the period used to work out the special benefit for the person, beginning immediately after the end of their appointment, without the written consent of the head of service.
- (4) The head of service—
  - (a) must consult with the commissioner before giving written consent under this section; and
  - (b) may impose conditions on the consent.

**9 Section 115 (1) (d)**

*omit*

**10 Dictionary, new definitions**

*insert*

continuous recognised service, for part 7A (Statutory office-holder financial entitlements)—see section 106B.

remuneration, for part 7A (Statutory office-holder financial entitlements)—see section 106B.

serious corrupt conduct—see the Integrity Commission Act 2018, section 10.

*serious misconduct*—see the *Fair Work Regulations 2009* (Cwlth), section 1.07 (Meaning of Misconduct).

*special benefit*, for part 7A (Statutory office-holder financial entitlements)—see section 106B.

*systemic corrupt conduct*—see the *Integrity Commission Act 2018*, section 11.