

EXPLANATORY STATEMENT

PUBLIC SECTOR MANAGEMENT AMENDMENT STANDARD 2006 (No 5) DISALLOWABLE INSTRUMENT NO DI2006-62

Public Sector Management Act 1994

Legislative Context

The *Public Sector Management Act 1994* (the Act) regulates the management of the public sector and, in particular, section 251 of the Act empowers the Commissioner, with the written approval of the Chief Minister, to make Public Sector Management Standards (the Standards) for the purposes of the Act.

Sections 251(6) and (7) of the Act also provides that the Chief Minister can give a general approval for the making of Standards by the Commissioner for specified purposes. The purposes currently specified include amendments that are consistent with a policy direction previously endorsed by Government and changes of a technical nature, which do not include any significant policy changes, such as changes to clarify existing Standards, updating allowances and correcting typographical errors.

Outline

The Commissioner makes these amendments to the Standards in accordance with parameters agreed to by the Chief Minister under sections 251(6) and (7) of the Act.

There are two minor technical amendments.

The amendment to Standard 3 Part 8 Rule 6 updates rates for motor vehicle allowances. These rates are issued by the Australian Tax Office under the Income Tax Assessment Regulations 1997.

The amendment to Standard 3 Part 13 Rule 8 updates the overtime duty meal allowance rate. The revised rate is based on Consumer Price Index (CPI) increases for food in the Canberra region. Minor other amendments are also made to the Rule.

The revised rates are effective from 19 April 2006. This date reflects the 12-month period since the rates were last revised.

Financial Impact

Payment of the allowances will be met from within the relevant agency's budget allocation.

Schedule 1 to this Explanatory Statement

To provide context for these amendments, the text of each Rule immediately before this instrument took effect are contained in Schedule 1. Where a new Rule is inserted, and there is no corresponding previous rule, this will be reflected in the instrument using the words '*Insert Standard ...*'.

**SCHEDULE 1 TO EXPLANATORY STATEMENT
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Standard 3, Part 8, Rule 6

6. Motor vehicle allowances rates schedules

The rates per kilometre set in Table 1 are effective from 19 April 2005.

6.1 Table 1

Description	Engine capacity of car with non-rotary engine	Engine capacity of car with rotary engine	Rate per Kilometre
Small car	1600cc (1.6 litre) or less	800cc (0.8 litre) or less	52.0 cents
Medium car	1601cc-2600cc (1.601 - 2.6 litre)	801cc-1300cc (0.801 - 1.3 litre)	62.0 cents
Large car	2601cc (2.601 litre) and over	1301cc (1.301 litre) and over	63.0 cents

6.2 Additional rates of motor vehicle allowance

Additional motor vehicle allowance for the carriage of passengers or goods

0.63 of one cent per kilometre for each kilometre travelled.

Standard 3, Part 13, Rule 8

8. Eligibility for overtime duty meal allowance

An officer is eligible to be paid a meal allowance of \$18.20 from 19 April 2004 or \$18.60 from 19 April 2005, if they:

- 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;
- 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;
- 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 7.00am and 9.00am, 12 noon and 2.00pm, 6.00pm and 7.00pm and 12 midnight and 1.00am; or
- 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.

An officer who is required to perform duty under the first three dots points above 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.

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.