

Public Sector Management Amendment Standards 2009 (No 3)

Disallowable instrument DI2009–88

made under the

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

EXPLANATORY STATEMENT

Background

The *Public Sector Management Act 1994* (the Act) regulates the management of the ACT Public Service (the Service). Section 251 of the Act empowers the Commissioner for Public Administration (the Commissioner), with the written approval of the Chief Minister, to make Management Standards for the purposes of the Act.

Apart from the Act, the *Public Sector Management Standards 2006*, Part 8.2 – Payments for work performed for the board of senior secondary studies – details the remuneration payable 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* (BSSS Act), section 5.

By way of background, secondary studies is defined in the BSSS Act as that normally provided to students in the final 2 years of full-time secondary schooling.

Section 5 of the BSSS Act details the main functions of the Board, being

- (a) to accredit or register courses taught by recognised educational institutions, including
 - a. establishing guidelines for the accreditation of courses, including vocational education courses;
 - b. ensuring national agreements about the accreditation of vocational education and training courses are applied, if appropriate; and
 - c. identifying the minimum resources necessary for the satisfactory provision of the courses that the board decides;
- (b) to approve, consistent with national agreements, recognised educational institutions for teaching vocational education courses;

- (c) to establish guidelines for the development of courses by the board or by a recognised educational institution;
- (d) to establish principles and procedures for the assessment of attainments of students and the moderation of the assessments, including
 - a. to prepare guidelines and requirements for the assessment of student attainments
 - b. to make arrangements for the administration by recognised educational institutions of the test known as the Australian Scaling Test, or any other test instead of the Australian Scaling Test that is approved by the board
 - c. to develop and implement procedures for the moderation of student assessments
 - d. to develop procedures for—
 - i) recognised educational institutions to review the assessments of their students; and
 - ii) the board to review the procedures used by recognised educational institutions to assess their students or review their student assessments; and
 - iii) recognised educational institutions, or the board, to review disciplinary action taken by recognised educational institutions in relation to their student assessments.
- (e) to provide to people who have undertaken courses, or units of courses, certificates and transcripts of their attainments, including
 - a. to prepare guidelines for the issue of certificates of attainment;
 - b. to make the arrangements that the board considers appropriate to ensure to the greatest extent possible that certificates issued by the board are recognised by employers and providers of further training or higher education;
 - c. to consult institutions that provide tertiary education or vocational education or training for the purpose of reviewing from time to time the effect of their requirements and procedures for the admission of students and to provide appropriate guidance to the institutions;
 - d. to issue, consistent with national agreements, certificates or other evidence of the achievements of vocational education or training qualifications.
- (f) to provide information on—
 - a. the performance of students and former students; and
 - b. the policies and procedures of the board;
- (g) to review its own operations and the operation of this Act; and
- (h) to advise the Minister on any matter mentioned above

It is paragraph (d)c. above that is the topic of this amendment.

Finally, section 19 of the BSSS Act determines that the board may make arrangements with the relevant chief executive for the use of the services of a public servant (a board

staff member) in the administrative unit under the chief executive's control, and that the *Public Sector Management Act 1994* applies in relation to the management by the board of a board staff member.

Detail

Clause 1 — Name of Instrument

This clause clarifies that the instrument will be known under the name '*Public Sector Management Amendment Standards 2009 (No 3)*'.

Clause 2 — Commencement

This clause sets the instrument's day of commencement as the day after it is notified.

Clause 3 — Legislation Amended

This clause makes clear that the instrument intends to amend the *Public Sector Management Standards 2006*.

Clause 4 — Replacement section 578(6)

This clause contains the amendment being made.

Previously, Small Group Moderators were paid a flat fee of \$50 for each school they moderated, up to a maximum of \$450 in a calendar year. This amount was indexed annually according to the Consumer Price Index (CPI) and in 2009 stood at \$61.31 for each school and \$551.79 maximum per year respectively.

Considering that there are now 23 schools providing the final two years of secondary schooling to students in the ACT (up from 16 when the section was originally enacted) and that hourly rates for teachers have risen considerably since, it was necessary to amend the section to make payments more equitable.

Additionally, it was recognised that calculating payments simply on a per-school basis was potentially unfair. Under the previous payment structure a teacher moderating their full quota of nine students would be paid just \$50 for their efforts where the students all came from one school. However, where a teacher moderates nine students across nine separate schools the work would attract nine separate payments – \$450 for essentially the same workload as the teacher paid just \$50.

This amendment intends to remove this inequity by altering the payment methodology to make payments on a per student moderated basis, on a sliding scale:

Moderating between one and four students	(1-4)	= \$ 120
Moderating five or more students	(5+)	= \$ 230

Based on past experience, this is expected to remove any pay inequity. Payments to small group moderators will continue to be made on a per school basis but will be divided into two separate pay scales. For example, where a moderator moderates five students within the same school, they will be paid \$230 whereas if a moderator moderates five students from two different schools, they will be paid \$240.