

## EXPLANATORY STATEMENT

### **PUBLIC SECTOR MANAGEMENT AMENDMENT STANDARDS 2003 (No 2) DISALLOWABLE INSTRUMENT No 2003-39**

#### *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 approval in advance of the Chief Minister, to make Public Sector Management Standards (the Standards) for the purposes of the Act.

#### Outline

This amendment relates to changes to Executive employment arrangements and the ACT Public Service Joint Council.

Management Standard 2 Part 1 sets out arrangements for Executive employment. As part of the Executive employment framework, Executive positions must be job-sized in accordance with a methodology approved by the Commissioner for Public Administration to provide a consistent base for the assessment of the work value of these positions.

The inflexibility of this framework restricts urgent responses where it is necessary to establish a temporary team based on people and skills. The recent need to establish the Secretariat for the Bushfire Taskforce has highlighted these constraints.

This amendment will permit the Commissioner for Public Administration to exempt specific Executive positions from the need to undergo work value assessments where this is justified in the interests of the ACT Public Service. The exemption will operate only for the temporary performance of duties by Executives under section 76 of the Act, for a maximum of nine months, where a merit process is not required. This amendment will also provide that the Commissioner's approval may be made retrospectively but not before 3 February 2003.

There is no need for similar provisions for Chief Executives as the Act already provides for reassignment under section 29(2).

There are also two minor and technical amendments to the Executive Standard. First, Standard 2 Part 1 Rule 7 identifies the range of pay points within the Executive remuneration framework. The Executive pay point 3.12 is not identified in Rule 7 notwithstanding that the Remuneration Tribunal determinations appropriately support this pay point. This amendment will add point 3.12 to the table.

Secondly, Standard 2 Part 1 Rule 8, which sets travelling allowances for Chief Executives, has been overtaken by Standard 6 Part 2, which now provides a consolidation of travel entitlements for ACT public servants. This amendment will delete Rule 8.

The final amendment relates to Standard 7 Part 5, which establishes the ACT Public Service Joint Council. This amendment will increase the membership of Joint Council to eight management and eight union representatives, following a request by the ACT Trades and Labour Council.

Financial Impact

Nil.